September 16, 2015

Re: Over 100 new Support Letters for DotMusic’s .MUSIC Community-Based Application (Application ID 1-1115-14110)

Dear ICANN and Economist Intelligence Unit (“EIU”),

Please accept the attached, over 100 new Letters of Support for DotMusic Limited and its .MUSIC multi-stakeholder, community-based application with ID 1-1115-14110.¹

We kindly request that the attached Letters of Support be considered by the EIU Panel as an additional attachment and Letter of Support to Question 20f of the DotMusic application during the .MUSIC Community Priority Evaluation (“CPE”) process.

As per the ICANN CPE FAQ,² we electronically submit the attached Letter of Support and request that it is posted on the ICANN Correspondence page.

Respectfully Submitted,

Paul Zamek
EVP: Communications & Strategic Relationships
DotMusic
4508 Wayland Drive, Nashville, TN 37215, USA
(o) +615 665 1930 (c) +615 260 6900

Website: http://www.music.us
Email: paul@music.us
Supporting Organizations: http://www.music.us/supporters
Multi-Stakeholder Governance Board: http://www.music.us/board

¹ See https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)  
14 http://music.us/board  
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173  
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401  
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780  
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292  
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{21}GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{22}http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm
\textsuperscript{23}The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^{28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^{31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related


\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

\(^{30}\) https://www.reverbnation.com

\(^{31}\) http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392\t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^{41}\) http://music.us/expert/letters
\(^{43}\) http://music.us/expert/letters
\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\(^{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Mitch Rice

Signature: mrice3@sbcglobal.net, Sep 8 '15 ip: 130.182.30.211

Name: Mitch Rice
Title: President
Organization*: The Rhythmyth

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6).
The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} \url{http://music.us/events}
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 \url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
\textsuperscript{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\textsuperscript{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related communities.

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

38 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Mark De Julio
Musical Entertainment Artists

dejulioballadeer@gmail.com, Sep 8 '15 ip: 70.173.89.73

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support which supports the responsible, trusted and safe operation of the .MUSIC top-level domain under a community-based, multi-stakeholder governance model with Enhanced Safeguards tailored to serve the legitimate interests of the entire global Music Community.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^2\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^3\) Our organization also supports the positions expressed in the letter\(^4\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^5\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” We also support the positions in the letter\(^6\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.”

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;7

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.8 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.9 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA. Music community members participate in a shared system of creation, distribution and promotion of music with common norms and communal behavior i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music, including a shared legal framework

7 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
8 http://music.us/events
in a regulated sector governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments with shared rules and communal regulations;

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification

---

10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
12 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
14 http://music.us/comparison.pdf
15 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?;ac=1392, 20a
systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. As such, the string is aligned with DotMusic’s Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, providing compelling evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria and thus should prevail, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known

17 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
18 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
19 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
20 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
21 http://music.us/expert/letters
23 http://music.us/expert/letters
by most people\textsuperscript{24} and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{25} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{26}) matches with the string:

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{27}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{28} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;\textsuperscript{29}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under...

\textsuperscript{24} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{25} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\textsuperscript{26} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{27} http://music.us/board/
\textsuperscript{28} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate or bad faith registrations. This phase provides better protection against abuse or impersonation, offers established community members a cost-effective alternative to the Sunrise phase (or an Early Access Program - http://domainnamewire.com/2013/11/14/some-new-tlds-will-run-early-access-programs-for-the-landrush-phase), and helps spur Industry adoption. This process provides increased relevancy for .MUSIC names while preventing cybersquatting of famous music brand names that could also create user confusion. Given DotMusic’s naming policies, Community members that do not have famous music names may register their names in the subsequent phase without the fear of famous artists registering their names. Furthermore, to ensure fair allocation and competition, Community members that do not belong to MCMOs can currently join many MCMOs for free if they want to secure their names during the MCMO phase. As such, social benefits will significantly exceed social costs.
\textsuperscript{29} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.
its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).  

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

DotMusic clearly exceeds the criteria required to pass Community Priority Evaluation, has provided music-tailored Public Interest Commitments, and responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests.

Respectfully submitted,

Robert Sirman

Signature: robjohsir@gmail.com, Sep 4 '15 ip: 65.95.116.154

Name: Robert Sirman

Title: Acting President and CEO

Organization: The George Cedric Metcalf Charitable Foundation

31 http://www.afilias.info/about-us
32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t=ac=1392
Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support which supports the responsible, trusted and safe operation of the .MUSIC top-level domain under a community-based, multi-stakeholder governance model with Enhanced Safeguards tailored to serve the legitimate interests of the entire global Music Community.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”

Our organization also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” We also support the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from

---

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
2 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support for the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.”

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;7

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.8 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.9 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA. Music community members participate in a shared system of creation, distribution and promotion of music with common norms and communal behavior i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music, including a shared legal framework

---

7 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
8 http://music.us/events
in a regulated sector governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments\textsuperscript{10} with shared rules and communal regulations;\textsuperscript{11}

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{12} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{13}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{14}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{15}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{16} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification

\textsuperscript{10} \url{http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15}
\textsuperscript{11} The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See \url{http://www.wipo.int/treaties/en/text.jsp?file_id=283698}
\textsuperscript{12} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.\textsuperscript{13} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6
\textsuperscript{14} \url{http://music.us/comparison.pdf}
\textsuperscript{15} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a
systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. As such, the string is aligned with DotMusic’s Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, providing compelling evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria and thus should prevail, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known

---

17 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
18 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
19 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
20 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
21 http://music.us/expert/letters
23 http://music.us/expert/letters
by most people\textsuperscript{24} and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{25} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”)\textsuperscript{26} matches with the string:

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{27}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{28} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;\textsuperscript{29}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under

\begin{flushleft}
\textsuperscript{24} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}
\textsuperscript{25} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}
\textsuperscript{26} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{27} \url{http://gtdrresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}
\textsuperscript{28} \url{http://music.us/board/}
\textsuperscript{29} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate or bad faith registrations. This phase provides better protection against abuse or impersonation, offers established community members a cost-effective alternative to the Sunrise phase (or an Early Access Program - \url{http://domainnamewire.com/2013/11/14/some-new-tlds-will-run-early-access-programs-for-the-landrush-phase}), and helps spur Industry adoption. This process provides increased relevancy for .MUSIC names while preventing cybersquatting of famous music brand names that could also create user confusion. Given DotMusic’s naming policies, Community members that do not have famous music names may register their names in the subsequent phase without the fear of famous artists registering their names. Furthermore, to ensure fair allocation and competition, Community members that do not belong to MCMOs can currently join many MCMOs for free if they want to secure their names during the MCMO phase. As such, social benefits will significantly exceed social costs.
\textsuperscript{29} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.
\end{flushleft}
its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{30}

13. has partnered with Afilias,\textsuperscript{31} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{32} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

DotMusic clearly exceeds the criteria required to pass Community Priority Evaluation, has provided music-tailored Public Interest Commitments, and responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests.

Respectfully submitted,

Kevin Guillory, Jr.

Signature: kguillory101@gmail.com, Sep 5 '15  ip: 71.81.49.82

Name: Kevin Guillory, Jr.

Title: Independent musician

Organization: N/A

\textsuperscript{30} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{31} \url{http://www.afilias.info/about-us}

\textsuperscript{32} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ct:ac=1392}
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5\(^{\text{th}}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7\(^{\text{th}}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support for the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \texttt{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \texttt{http://music.us/comparison.pdf}

\textsuperscript{38} \texttt{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commit to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: mathias@mylo.be, Sep 6 '15 ip: 81.82.206.49

Name: Mathias Buckinx
Title: Founder
Organization*: Eastwood

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support which supports the responsible, trusted and safe operation of the .MUSIC top-level domain under a community TLD multi-stakeholder governance model with Enhanced Safeguards tailored to serve the legitimate interests of the entire global Music Community.

Respecting and protecting music rights serves both the global music community and the public interest. Our organization supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” Our organization also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” We also support the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
2. The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.”

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. is supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others;  

3. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition files against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating any last minute spurious letter of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;  

4. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;  

5. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”

---

7 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c  
9 The public comment window has been open since 13 June 2012 for over 3 years. If there was any opposition of reasoned nature then any relevant music organization would have already voiced such concerns.  
11 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
6. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{12}\)

7. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations; naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List to protect famous music brands;

8. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);\(^\text{13}\) and

9. is accountable to the global Music Community through its Public Interest Commitments\(^\text{14}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

Music is recognized by ICANN and GAC as a regulated sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music.\(^\text{15}\) As such, the string is aligned with DotMusic’s Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”\(^\text{16}\)). Its Nexus matches the applied-for string because it

\(^\text{12}\) [http://music.us/board/](http://music.us/board/)
\(^\text{14}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392)
\(^\text{16}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392), 20a
represents the Community and allows all constituents to register a .MUSIC domain without any conflict of interests, over-reaching or discrimination.

DotMusic clearly exceeds the criteria required to pass Community Priority Evaluation, has provided music-tailored Public Interest Commitments, and responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests.

Respectfully submitted,

R Gosselin

Signature:  

Name: Rene Gosselin

Title: Senior Technician

Organisation: Steel Communications
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35}DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36}See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37}\url{http://music.us/comparison.pdf}

\textsuperscript{38}\url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40}The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness


41 [http://music.us/expert/letters](http://music.us/expert/letters)


43 [http://music.us/expert/letters](http://music.us/expert/letters)


45 Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)

Fielding Period: August 7-11, 2015, Pg. 1,2,3


47 [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Lisa Sniderman

Signature:  lisasniderman.com, Sep 8 '15 ip: 71.202.145.247

Name: Lisa Sniderman

Title: Owner, Aoede

Organization*: Aoede

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”[13] (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.[14]

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,[15] ISRC,[16] ISWC[17] and the ISNI.[18]

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.[19]

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe)).
14 [http://music.us/board](http://music.us/board)
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{21}GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007  
\textsuperscript{22}The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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],” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
45 Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Brian L. Jarabeck

Signature: kap@awedog.com, Sep 8 '15  ip: 162.247.149.253
Name: Brian L. Jarabeck
Title: Artist/Owner
Organization*: KGP

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))
14 [http://music.us/board](http://music.us/board)
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
19 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392)
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\textsuperscript{31} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}
\textsuperscript{31} \url{http://music.us/expert/letters}
\textsuperscript{43} \url{http://music.us/expert/letters}
\textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}
\textsuperscript{46} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{47} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a}
\textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: strange523@yahoo.com, Sep 8 '15 ip: 108.42.97.56

Name: Marisa Strange

Title: Music Lover

Organization*: .music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehade, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392  
4 http://music.us/expert/letters  
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.  
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: \(^{12}\) a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”\(^{13}\) (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.\(^{14}\)

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,\(^{15}\) ISRC,\(^{16}\) ISWC\(^{17}\) and the ISNI.\(^{18}\)

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.\(^{19}\) DotMusic developed its Mission and

---

\(^{12}\) A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

\(^{13}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^{14}\) http://music.us/board

\(^{15}\) The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

\(^{16}\) The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

\(^{17}\) The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

\(^{18}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

\(^{19}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report,\(^ {21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^ {22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^ {23}\) This letter also supports the positions expressed in the letter\(^ {24}\) sent to ICANN (on March 5\(^ {\text{th}}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^ {25}\) sent to ICANN (on March 7\(^ {\text{th}}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum "(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing "(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.

Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string.

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types.

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailed .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

JG Harney

Signature: jhunlimited_llc@yahoo.com, Sep 8 '15 ip: 75.38.219.114

Name: John Gregory Harney

Title: Principal Composer, Guitarist, Publisher, Owner

Organization*: JHUnlimited L.L.C.

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global ”(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…”a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}). As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
46 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: whizkidgirl@gmail.com, Sep 8 '15 ip: 166.170.48.49

Name: Hillorie McLarty

Title: Advertising & Marketing

Organization*: Music Connection Magazine

* If you are an artist/band enter your artist.band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392  
⁴ http://music.us/expert/letters  
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA,DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
⁷ See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community. To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string, a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis\textsuperscript{28}.

This letter would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c
33 [http://music.us/events](http://music.us/events)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 \[http://music.us/comparison.pdf\]

38 \[https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392\], 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored \textit{.MUSIC} Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Winston De Jesus
Title: Composer- Arranger- Orchestrator-Producer- Pianist
Organization*: Winstondejesus Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal
principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and
the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular
community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented
support, community definition and music-tailored policies (that were developed over years of open and
public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that
the community was not construed, consistent with the community guidelines set forth by the GNSO Final
report which stated that “community should be interpreted broadly and will include, for example, an
economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report
states that “Opposition must be objection based. Determination will be made by a dispute resolution panel
constituted for the purpose. The task of the panel is the determination of substantial opposition. The
objector must provide verifiable evidence that it is an established institution of the community...The panel
will assess the balance between the level of objection submitted by one or more established institutions
and the level of support provided in the application from one or more established institutions. The panel
will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has
not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed
without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-
minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the
unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest.
This Letter supports the position of the International Federation of the Phonographic Industry,22
which endorses DotMusic because it has “publicly committed to, and will be bound to, implement
meaningful and robust safeguards to protect against online infringement.”23 This letter also supports
the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the
RIAA and on behalf of a global music community coalition representing “over 80% of the
world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the
A2IM and on behalf of a majority of a global music community coalition representing a majority of
the independent music community, to support the [DotMusic] “community” application for .MUSIC
and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music
Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

33 http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

38 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness;
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: mark@consumerwatchdog.org, Sep 8 '15 ip: 108.47.15.39

Name: Mark Reback
Title: Musician
Organization*: Brooklyn Pets

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qj-3k4nku8](http://branding.rightside.co/api/download/28qj-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^\text{20}\) \url{http://music.us/events}
\(^\text{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\(^\text{41}\) http://music.us/expert/letters
\(^\text{43}\) http://music.us/expert/letters
\(^\text{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^\text{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^\text{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Bruce Mandel

Signature: mandelbruce@hotmail.com, Sep 8 '15 ip: 184.53.0.238

Name: Bruce Mandel
Title: Songwriter
Organization*: Bruce Mandel

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis\textsuperscript{28}.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an “(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment… aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfair prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}
\textsuperscript{41} \url{http://music.us/expert/letters}
\textsuperscript{43} \url{http://music.us/expert/letters}
\textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a}
\textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Josh Lewis Cohen

Signature:  info@joshlewismusic.com,  Sep 8 '15  ip: 70.211.136.70

Name: Joshua Lewis Cohen

Title: Musician

Organization*: Josh Lewis Music

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI.\textsuperscript{40} As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Katharina Walker

Signature:  tina@kingedwardmusic.com, Sep 8 '15 ip: 75.82.113.97

Name: Katharina Walker

Title: Managing Director

Organization*: King Edward Music Group

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^{1}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^{2}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^{4}\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^{5}\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^{6}\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^{7}\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and a half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nkku8](http://branding.rightside.co/api/download/28qi-3k4nkku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\begin{footnotesize}
\textsuperscript{20} http://music.us/events
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
\end{footnotesize}
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

³² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392
³³ http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\footnote{DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\footnote{See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6} 

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\footnote{http://music.us/comparison.pdf} 

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\footnote{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a} 

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\footnote{https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf, Pg.3} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\footnote{The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public}.

As such, the string is aligned with DotMusic’s
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of the community.

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
46 https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ta=1392, 20a
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Jessica Sonnenberg
Title: Owner
Organization*: Rain Records

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 — See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN on April 14th, 2015 by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

\(^{34}\) http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community; 

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined; 

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;” 

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s 

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant. 


37 http://music.us/comparison.pdf 

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a 


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^ {43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^ {44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^ {45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^ {46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^ {47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^{41}\) http://music.us/expert/letters
\(^{43}\) http://music.us/expert/letters
\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\(^{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years. DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Roger Frace
Title: Musician
Organization*: the Machine in the Garden

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files.correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files.correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community... The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{22}The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392\?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392\?t:ac=1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588\?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588\?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a

\textsuperscript{39} \url{https://www.icann.org/en/system/files/briefing-materials-2-05feb14-en.pdf}, Pg.3

\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Dinis Teixeira

Signature: dinis.teixeira@gmail.com, Sep 8 '15 ip: 173.48.66.119
Name: Dinis Teixeira
Title: Singer / Composer
Organization*: Dtexboston

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\textsuperscript{1} with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\textsuperscript{2} and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\textsuperscript{3} over 40 experts,\textsuperscript{4} and the general public\textsuperscript{5} recognize and are aware of the existence an organized and delineated music "(industry) community"\textsuperscript{6} that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\textsuperscript{7}

\textsuperscript{1} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\textsuperscript{2} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\textsuperscript{4} http://music.us/expert/letters
\textsuperscript{5} Over 95\% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielson-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
\textsuperscript{6} Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95\% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\textsuperscript{7} See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

²⁰ http://music.us/events
²² The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29}Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30}https://www.reverbnation.com
\textsuperscript{31}http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.  It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community; [36]

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined; [37]

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;” [38]

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, [39] comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI [40]. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.  
37 http://music.us/comparison.pdf  
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a  
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and "conclusions that are compelling and defensible"\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. "a logical alliance of communities of individuals, organizations and business that relate to music")\textsuperscript{46} matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292} \textsuperscript{41} \url{http://music.us/expert/letters} \textsuperscript{42} CPE Guidelines, Pg.22, and CPE Panel Process Document, \url{http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf}, Pg.3 \textsuperscript{43} \url{http://music.us/expert/letters} \textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known} \textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}. Fielding Period: August 7-11, 2015, Pg. 1,2,3 \textsuperscript{46} \url{https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392}, 20a \textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Dusty Wakeman

Signature: dusty@mojaveaudio.com

Name: Dusty Wakeman

Title: President

Organization*: Mojave Audio

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehade, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music "(industry) community" that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} \url{http://music.us/events}
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 \url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
\textsuperscript{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\textsuperscript{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29}Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30}https://www.reverbnation.com
\textsuperscript{31}http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness


\(^{41}\) [http://music.us/expert/letters](http://music.us/expert/letters)


\(^{43}\) [http://music.us/expert/letters](http://music.us/expert/letters)


\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)

Fielding Period: August 7-11, 2015, Pg. 1,2,3


\(^{47}\) [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\texttt{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \texttt{http://www.adrforum.com/RegistrySpec} and \texttt{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \texttt{http://www.afilias.info/about-us}

\textsuperscript{52} \texttt{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  
Name: Wayne De La Cruz 
Title: Owner 
Organization*: Wayne De La Cruz Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board; 
Fadi Chehadé, ICANN President & 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; 
John Jeffrey, ICANN General Counsel; and 
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application** with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
4 [http://music.us/expert/letters](http://music.us/expert/letters)
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlu8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.  
30 https://www.reverbnation.com  
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\footnote{DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\footnote{See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}}

13. has partnered with Afilias,\footnote{http://www.afilias.info/about-us} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\footnote{https://gtldresult.icann.org/application-result/applicationstatus/applicandetails:downloadpicposting/1392?r:ac=1392} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

John W Wallis

Signature: wallis.johnny@yahoo.com, Sep 8 '15 ip: 74.195.145.30

Name: Johnny Wallis

Title: n/a

Organization*: n/a

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392) DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf) August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-dj9ehrud](http://branding.rightside.co/api/download/28qj-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support for the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined.

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s...
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Additionally, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Terri Davis

Signature:  terri_davis@yahoo.com, Sep 8 '15  ip: 172.56.30.236

Name:  Terri Davis

Title:  Singer songwriter

Organization*:  IDB Productions

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
⁴ http://music.us/expert/letters
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
⁷ See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.  

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Thomas C. Pile

Signature:  tompile.com, Sep 8 '15  ip: 108.41.28.94

Name: Thomas C. Pile

Title: owner

Organization*: Running Dog Music LLC

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ",(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community…The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to [support the DotMusic “community” application for .MUSIC](https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf) and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)
\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^48\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^49\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^50\)

13. has partnered with Afilias,\(^51\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^52\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Val Davis

Name: Val Davis
Title: Owner
Organization*: Val Davis Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\begin{footnotesize}
\item[20] http://music.us/events
\item[22] The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, http://www.ifpi.org/about.php
\end{footnotesize}
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;  

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c  
33 http://music.us/events  
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^ {42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^ {43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^ {44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^ {45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^ {46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^ {47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness


\(^ {41}\) [http://music.us/expert/letters](http://music.us/expert/letters)


\(^ {43}\) [http://music.us/expert/letters](http://music.us/expert/letters)


Fielding Period: August 7-11, 2015, Pg. 1,2,3


\(^ {47}\) [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: anthonykwright@mac.com, Sep 8 '15
IP: 165.120.198.36

Name: Anthony wright
Title: musician
Organization*: What part of freedom

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application** with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^\text{31}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

---

\(^{31}\) See http://music.us/expert/letters  
\(^{33}\) http://music.us/expert/letters  
\(^{34}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known  
\(^{35}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf  
\(^{36}\) http://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a  
\(^{37}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Dhruva Aliman

Signature:  dhruvaaliman@gmail.com,  Sep 8 '15  ip: 172.91.119.10

Name: Dhruva Aliman

Title: Composer - Producer

Organization*: Dhruva Aliman

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen/Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness.
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gltldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?c=ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Andy Lentz

Signature: ahlentz@gmail.com, Sep 8 '15 ip: 186.177.17.5

Name: Andy Lentz

Title: Fiddler

Organization*: Andy Lentz Music

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” 23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter
to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^\text{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c

\(^\text{33}\) http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

---


\(^{42}\) http://music.us/expert/letters


\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known

\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf

Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^{46}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Signature: mrfye@y7mail.com, Sep 8 '15 ip: 98.109.31.187

Name: Chris Theodore

Title: Musician

Organization*: mrfye

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and a half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))
13 See [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a
14 http://music.us/board
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
19 See [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) \[http://music.us/comparison.pdf\]

\(^{38}\) \[https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392\], 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.31 Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”42 that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;43

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people44) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”45 In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”46) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;47

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
31 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^48\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^49\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^50\)

13. has partnered with Afilias,\(^51\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^52\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Patti Hill

Signature: pattihill@sympatico.ca, Sep 8 '15 ip: 174.94.17.120

Name: Patti Hill

Title: singer/songwriter

Organization*: Patti Hill

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

8 \[http://music.us/events\]
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmck-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmck-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community…The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20  http://music.us/events
22  The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting.

These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;  

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);  

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.  

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and  

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.  

 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.  

DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.  


http://www.afilias.info/about-us  

https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Bill Brickus

Signature: jahdub@hotmail.com, Sep 8 '15 ip: 70.192.139.39

Name: Bill Brickus

Title: Musician producer

Organization*: JAHDUB Productions

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined. 

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))


14 [http://music.us/board](http://music.us/board)


16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)


18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\footnote{http://music.us/events}

The GNSO Final Report,\footnote{GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\footnote{The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\footnote{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf} This letter also supports the positions expressed in the letter\footnote{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf} sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\footnote{https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf} sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet users. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters

http://music.us/expert/letters

Fielding Period: August 7-11, 2015, Pg. 1,2,3


http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Roger Hector
Title: CEO
Organization*: TopTrack LLC

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Atallah, 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "% (industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart. [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmck-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmck-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an “(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^\text{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
\(^\text{33}\) http://music.us/events
\(^\text{34}\) http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

41 [http://music.us/expert/letters](http://music.us/expert/letters)
43 [http://music.us/expert/letters](http://music.us/expert/letters)
45 [Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)]
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392


This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community.

Respectfully submitted,

[Signature]

Name: Tom Rule
Title: The Guy
Organizations*: Tom Rule

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110

\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392


\(^4\) http://music.us/expert/letters

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^{28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^{31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related


\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

\(^{30}\) [https://www.reverbnation.com](https://www.reverbnation.com)

\(^{31}\) [http://music.us/mcmo](http://music.us/mcmo)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet users. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase48 for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.49

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).50

13. has partnered with Afilias51 the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments52 that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.
49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.
51 http://www.afilias.info/about-us
52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Scot Rammer

Signature: scotrammer@mac.com, Sep 8 '15 ip: 98.160.228.134

Name: Scot Rammer

Title: Owner

Organization*: Scot Rammer Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Atallah, 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1. https://gtldresult.icann.org/application-result/applicationstatus/applicat...applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2. https://gtldresult.icann.org/application-result/applicationstatus/applicat...applicationdetails:downloadpicposting/1392?ac=1392
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, 21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, 22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” 23 This letter also supports the positions expressed in the letter 24 sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter 25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

References:
20 [http://music.us/events](http://music.us/events)
22 The IFPI represents the recording industry worldwide and is an entity [mainly](http://www.ifpi.org/about.php) dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c
33 [http://music.us/events](http://music.us/events)
34 [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
48 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored \textit{.MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP)}, including independent dispute resolution via the National Arbitration Forum (NAF)\textsuperscript{50}.

13. has partnered with Afilias\textsuperscript{51}, the backend registry provider for .ORG, to power \textit{.MUSIC} domains. Afilias has the strongest background, track record and experience of any other \textit{.MUSIC} backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other \textit{.MUSIC} applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A. Novaselic

Signature: kishapishe04@aol.com, Sep 8 '15  ip: 68.5.246.61

Name: Ante Novaselic

Title: Mr.

Organization*: echodrift

* If you are an artist/band enter your artist.band name
Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmokk-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qj-3k4nlku8), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter would also like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Marc Garcia

Signature: marcgarciatrumpet@sbcglobal.net, Sep 8 '15

Name: Marc Garcia

Title: Professional trumpet jplayer

Organization*: Garcia Music

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:“strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

---

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
¹⁴ http://music.us/board
¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community.

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community,\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^ {37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^ {38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^ {39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^ {40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting.

These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


43 http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy-proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Carl Uqdad

Signature: ameentc@sbcglobal.net, Sep 8 '15 ip: 99.107.145.48

Name: Carl "AMEEN" Uqdad

Title: Band Leader

Organization*: Phaze2

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application1 with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments2 and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),3 over 40 experts,4 and the general public5 recognize and are aware of the existence an organized and delineated music “(industry) community,”6 that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.7

---

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\)

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community…The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{\text{th}},\) 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{\text{th}},\) 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^\text{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^\text{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^\text{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^\text{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^\text{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^\text{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: Scott Sturgis

Title: Owner

Organization*: Big Break Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehade, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2,084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

8. [http://music.us/events](http://music.us/events)
9. E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11. The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtld.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{\text{th}}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{\text{th}}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 [https://www.reverbnation.com](https://www.reverbnation.com)
31 [http://music.us/mcmo](http://music.us/mcmo)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Andre Young Jr

Signature:  massakamusic@pesi1.com,  Sep 8 '15  ip: 66.191.36.48

Name: Andre Young

Title: Owner

Organization*: Massaka Music Media Services

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) http://music.us/events
\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter
to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^\text{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^\text{33}\) [http://music.us/events](http://music.us/events)

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community; 36

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined; 37

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;” 38

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: alexmusic521@gmail.com, Sep 8 '15 ip: 104.182.174.129

Name: Al-x

Title: Music Artist

Organization*: Al-x

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community,” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum ”(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Bryn Evans

Name: Bryn Evans

Title: Songwriter

Organization*: Bryn Evans

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…”a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\begin{table}[h]
\begin{tabular}{|c|c|}
\hline
\textbf{Reference} & \textbf{Content} \\
\hline
\textsuperscript{20} & http://music.us/events \\
\textsuperscript{22} & The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, \url{http://www.ifpi.org/about.php} \\
\textsuperscript{23} & \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf} \\
\textsuperscript{24} & \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf} \\
\end{tabular}
\end{table}
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r=0
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Paul Bordenkircher

Signature: paul@mesasand.com, Sep 8 '15 ip: 68.224.3.237

Name: Paul Bordenkircher

Title: Managing Member

Organization*: Mesa Sand Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application1 with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments2 and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),3 over 40 experts,4 and the general public5 recognize and are aware of the existence an organized and delineated music “(industry) community,”6 that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.7

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: 12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” 13 (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests. 14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, 15 ISRC, 16 ISWC 17 and the ISNI. 18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. 19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Michael Weaver

Name: Michael Weaver
Title: Artist
Organization*: Michael Weaver

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1, 2, 3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) http://music.us/events
\(^{21}\) GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\(^{22}\) http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm
\(^{23}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

38 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Mytch Meadows/Wytch Doctor

Signature:

Name: Mytch Meadows/Wytch Doctor
Title: Artist/Band
Organization*: BMI publishing/songwriting

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/2qb-dj9ehrud](http://branding.rightside.co/api/download/2qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/2qi-3k4nlku8](http://branding.rightside.co/api/download/2qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a

\textsuperscript{39} \url{https://www.icann.org/en/system/files/briefing-materials-2-05feb14-en.pdf}, Pg.3

\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
45 Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands,\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Richard Harris
Name: Richard Harris
Title: MR
Organization*: Richard Harris

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14111
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community…The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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.” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^4\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^3\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^4\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^5\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^6\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^7\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^5\)http://music.us/expert/letters
\(^6\)http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^7\)http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  imuenterprises@yahoo.com, Sep 8 '15  ip: 71.59.151.217

Name:  Toby Pollock

Title:  Manager

Organization*:  IMU Enterprises LLC  Singer/Composer: "Ram Murti"

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined, DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: 12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” 13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests. 14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, 15 ISRC, 16 ISWC 17 and the ISNI. 18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. 19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

²⁰ http://music.us/events
²² The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

http://music.us/comparison.pdf
https://gtdresult.icann.org/application-status/applicationdetails:downloadapplication/1392?ac=1392, 20a

The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^1\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^2\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^3\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^4\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^5\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^6\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^7\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^2\) http://music.us/expert/letters
\(^3\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielson-harris-poll.pdf
\(^4\) Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^5\) http://music.us/expert/letters
\(^6\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^7\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^ {48} \) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands,\(^ {49} \)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),\(^ {50} \)

13. has partnered with Afilias,\(^ {51} \) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^ {52} \) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^ {48} \) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^ {49} \) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^ {51} \) http://www.afilias.info/about-us

\(^ {52} \) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Seth Colcord

Signature:  seth.colcord@me.com, Sep 8 '15  ip: 70.211.128.161

Name: Seth Colcord

Title: Mr.

Organization*: Seth

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
2. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392)
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\)

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6).

The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{22}The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Ron Sievers
Title: Owner
Organization*: Orange Insurance

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
² [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
⁴ [http://music.us/expert/letters](http://music.us/expert/letters)
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
⁷ See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nuku8](http://branding.rightside.co/api/download/28qi-3k4nuku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: 

A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report, 21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, 22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide
quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-
based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global
public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption
where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application
because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the
   entire Community subscribes to, such as: creating a trusted identifier and safe haven for
   music consumption, protecting musicians’ rights and intellectual property, fighting
   copyright infringement/piracy, supporting fair compensation and music education, and
   following a multi-stakeholder approach of representation of all types of global music
   constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up
   methodology via feedback and universal principles collected in its ongoing, extensive
   public global communication outreach campaign launched in 2008. 33 This outreach gave
   the Community all-encompassing, open opportunities to engage with DotMusic to
   address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public
   comment period or other correspondence). DotMusic has participated in hundreds of
   international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite
   awareness and recognition of the community defined. The cohesive global music
   community defined constitutes a clear “(industry) community” supported by relevant
   organizations with members representing over 95% of music consumed globally (i.e. a
   majority), including many entities mainly dedicated to the Community, such as the IFPI,
   FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such,
   DotMusic’s community application should overwhelmingly exceed the minimum
   “(industry) community” threshold for the applied for string given the EIU’s consistent
   rationale with respect to the prevailing “(industry) community” CPE determinations for
   .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-
result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
34 http://music.us/supporters and https://gtldresult.icann.org/application-
result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^\text{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^\text{41}\) http://music.us/expert/letters
\(^\text{43}\) http://music.us/expert/letters
\(^\text{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^\text{46}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\(^\text{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community.

Respectfully submitted,

[Signature: Matt Milan]

Name: Matt Milan
Title: Composer
Organization*: Matt Milan

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\)

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^{8}\) [http://music.us/events](http://music.us/events)

\(^{9}\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-d9ehrud](http://branding.rightside.co/api/download/28qj-d9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6).

The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^{11}\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^{28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^{31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related


\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

\(^{30}\) [https://www.reverbnation.com](https://www.reverbnation.com)

\(^{31}\) [http://music.us/mcno](http://music.us/mcno)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

\(^\text{41}\) http://music.us/expert/letters


\(^\text{43}\) http://music.us/expert/letters

\(^\text{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known


\(^\text{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^\text{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years. DotMusic’s GPML is music-tailored and does not have such costs.


51 [http://www.afilias.info/about-us](http://www.afilias.info/about-us)

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Keith E. Kinerk
Title: Owner
Organization*: One Ping Only Band

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Atallah, 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392  
\(^4\) http://music.us/expert/letters  
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, 10 which includes shared rules and communal regulations.

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hannmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qj-3k4nlku8). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbination and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qj-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individualsongwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{22}The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 http://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^ {42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^ {43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^ {44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^ {45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^ {46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^ {47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

\(^{41}\) [http://music.us/expert/letters](http://music.us/expert/letters)


\(^{43}\) [http://music.us/expert/letters](http://music.us/expert/letters)


\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)

\(^{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3


\(^{48}\) [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Paul L. McCray

Signature: plmccray412@gmail.com, Sep 8 '15 ip: 76.7.120.189

Name: Paul McCray
Title: Bassist
Organization*: Sandy Ray and The Cold Shoulders

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2,084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}  http://music.us/events
\textsuperscript{21}  GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{22}  The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\footnote{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c}

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\footnote{http://music.us/events} This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by a "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\footnote{http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392} As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)


[42] [http://music.us/expert/letters](http://music.us/expert/letters)


[44] [http://music.us/nienls-harris-poll.pdf](http://music.us/nienls-harris-poll.pdf)


[46] Fielding Period: August 7-11, 2015, Pg. 1,2,3


[48] [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: [Signature]

Name: Michael Pizzi

Title: Owner of Music Services, inc. & mikesolomusic.com

Organization*: Mike Solo

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music "(industry) community" that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\)

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) http://music.us/events

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”’’ (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nku8)

\(^10\) http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5\(^\text{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7\(^\text{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\)http://music.us/events
\(^{22}\)http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;"\footnote{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c}

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\footnote{http://music.us/events} This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\footnote{http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392} As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\(^\text{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\url{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \url{http://www.afilias.info/about-us}

\textsuperscript{52} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: eric@shreveresearch.com  Sep 8 '15  ip: 50.170.153.90

Name: Eric Shreve
Title: President
Organization*: Eerie Sound Productions

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\)http://music.us/events

\(^{21}\)GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007

\(^{22}\)The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php


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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^32\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^33\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^34\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^32\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392\(?\)ac=1392], 18a and 20c
\(^33\) [http://music.us/events]
\(^34\) [http://music.us/supporters] and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588\(?\)ac=1392]
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

\(^{41}\) http://music.us/expert/letters


\(^{43}\) http://music.us/expert/letters

\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known

\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf

\(^{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Signature:  kwjones30@gmail.com,  Sep 8 '15  ip: 69.140.44.196
Name: Kevin W Jones
Title: composer
Organization*: Kevin Jones

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1, 2, 3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: \(^\text{12}\) a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”\(^\text{13}\) (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.\(^\text{14}\)

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,\(^\text{15}\) ISRC,\(^\text{16}\) ISWC\(^\text{17}\) and the ISNI.\(^\text{18}\)

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.\(^\text{19}\) DotMusic developed its Mission and

\(^\text{12}\) A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))


\(^\text{14}\) [http://music.us/board](http://music.us/board)

\(^\text{15}\) The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See [http://www.ismn-international.org/whatis.html](http://www.ismn-international.org/whatis.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=43173](http://www.iso.org/iso/catalogue_detail?csnumber=43173)

\(^\text{16}\) The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)

\(^\text{17}\) The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See [http://www.iswc.org/en/faq.html](http://www.iswc.org/en/faq.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=28780](http://www.iso.org/iso/catalogue_detail?csnumber=28780)

\(^\text{18}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

4. The only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}). As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant. 

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}
\textsuperscript{41} \url{http://music.us/expert/letters}
\textsuperscript{43} \url{http://music.us/expert/letters}
\textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392}, 20a
\textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Brad Broadrick

Name: Brad Broadrick

Title: Owner

Organization*: Rock Solid Entertainment

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
² [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
⁴ [http://music.us/expert/letters](http://music.us/expert/letters)
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2,084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
⁷ See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized "music industry"…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter 26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies 27 and DotMusic’s CPE Analysis. 28

This letter would also like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. 29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation 30 ), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. 31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c  
33 http://music.us/events  
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See

http://www.isni.org/ and
http://www.iso.org/iso/catalogue_detail?csnumber=44292
41

http://music.us/expert/letters
43

http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
46 https://gtldresult.icann.org,application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
47

http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Jim Bizer

Signature: info@jimbizer.com, Sep 8 '15 ip: 107.4.6.231

Name: Jim Bizer

Title: President, sole proprietor and Grand Poobah

Organization*: Jim Bizer

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

8  http://music.us/events
9  E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10  http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11  The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^ {24}\) sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^ {25}\) sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis\textsuperscript{28}.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^ {36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^ {37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^ {38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^ {39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^ {40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

m grosman

Signature: amgyoubb@gmail.com, Sep 8 '15 ip: 122.104.32.254

Name: michael grosman

Title: manager

Organization*: connect on UME

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited
Application ID 1-1115-14110

\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392


\(^4\) http://music.us/expert/letters

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization **mainly** dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has as the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process...to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^{28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^{31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---


\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

\(^{30}\) [Link](https://www.reverbnation.com)

\(^{31}\) [Link](http://music.us/mcmo)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s...

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

[http://music.us/expert/letters](http://music.us/expert/letters)
[http://music.us/expert/letters](http://music.us/expert/letters)
[http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)
[http://music.us/board/](http://music.us/board/)

Fielding Period: August 7-11, 2015, Pg. 1,2,3
[http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.

\(^{50}\) See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_RESOLUTION_Pr_ocess_final%20(2).docx

\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Scratch One

Signature: info@soundwavestudios.net, Sep 8 '15 ip: 172.56.35.30

Name: Scratch One

Title: Producer|DJ|Recording & Mixing Engineer

Organization*: Scratch One

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg.1 2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud). Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: ¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
¹³ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
¹⁴ http://music.us/board
¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
¹⁹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 [https://www.reverbnation.com](https://www.reverbnation.com)
31 [http://music.us/mcmo](http://music.us/mcmo)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet users. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.

\(^{50}\) See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Pro\pocess_final%20(2).docx

\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application\-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instil Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community.

Respectfully submitted,

Signature:  
Name: Len K  
Title: CEO  
Organization*: Lauren Entertainment Group

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\), over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nhku8](http://branding.rightside.co/api/download/28qi-3k4nhku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: 12 “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, 15 ISRC, 16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an “(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string; 

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
46 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registraries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

kelly sheehan

Signature: madamebuttons@gmail.com, Sep 8 '15 ip: 172.91.5.15

Name: kelly sheehan

Title: musician

Organization*: the healing

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe)
13 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a
14 [http://music.us/board](http://music.us/board)
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See [http://www.ismn-international.org/whatis.html](http://www.ismn-international.org/whatis.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=43173](http://www.iso.org/iso/catalogue_detail?csnumber=43173)
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
19 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^{28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^{31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.  
\(^{30}\) https://www.reverbnation.com  
\(^{31}\) http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?id=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a

\textsuperscript{39} \url{https://www.icann.org/en/system/files/briefing-materials-2-05feb14-en.pdf}, Pg. 3

\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^41\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^42\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^43\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^44\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^45\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^46\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^47\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\(^41\) http://music.us/expert/letters
\(^43\) http://music.us/expert/letters
\(^44\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^45\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^46\) https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\(^47\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Angela Montilliano

Signature: mymegamillions@aol.com, Sep 8 '15 ip: 66.8.172.238

Name: Angela Montilliano

Title: CEO

Organization*: Triple Diamond Records

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”,\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmookie-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmookie-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 [http://music.us/board](http://music.us/board)

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See [http://www.ismn-international.org/whatis.html](http://www.ismn-international.org/whatis.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=43173](http://www.iso.org/iso/catalogue_detail?csnumber=43173)

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)


18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

19 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) http://music.us/events
\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\(^{26}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\(^{27}\) and DotMusic’s CPE Analysis.\(^ {28}\)

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\(^{29}\) An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\(^{30}\)), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\(^ {31}\) As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\(^{29}\) Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\(^ {30}\) https://www.reverbnation.com
\(^ {31}\) http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6
\textsuperscript{37} \url{http://music.us/comparison.pdf}
\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a
\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness 

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\)Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\)DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\)http://www.afilias.info/about-us

\(^{52}\)https://gtldresult.icann.org/application_result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Juan Croucier

Signature: cdecoy@aol.com, Sep 8 '15  ip: 66.59.188.155

Name: Juan Croucier

Title: Bass Player/Singer/Songwriter

Organization*: RATT

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”\(^\text{12}\) (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.\(^\text{14}\)

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,\(^\text{15}\) ISRC,\(^\text{16}\) ISWC\(^\text{17}\) and the ISNI.\(^\text{18}\)

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.\(^\text{19}\) DotMusic developed its Mission and

---

\(^\text{12}\) A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtds.icann.org/en/applicants/cpe)

\(^\text{13}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^\text{14}\) http://music.us/board

\(^\text{15}\) The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

\(^\text{16}\) The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

\(^\text{17}\) The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

\(^\text{18}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

\(^\text{19}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related...
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392] 18a and 20c

\(^{33}\) [http://music.us/events]

\(^{34}\) [http://music.us/supporters] and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392]
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{31} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

CRBeardwood

Signature: craigrb5@yahoo.com, Sep 8 '15 IP: 121.223.144.42

Name: Craig Beardwood
Title: Mr
Organization*: Craig Beardwood

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application1 with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments2 and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),3 over 40 experts,4 and the general public5 recognize and are aware of the existence an organized and delineated music “(industry) community”6 that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.7

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qj-3k4nlku8), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qj-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcko
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

³² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
³³ http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”;\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\textsuperscript{46} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^4\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^4\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^5\)

13. has partnered with Afilias,\(^6\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^7\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^4\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^5\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^7\) http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: Randie O'Neil
Title: Songwriter
Organization*: lostbutnotbroken.com

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 http://music.us/board
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
18 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

²⁰ http://music.us/events
²² The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter would also like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and "conclusions that are compelling and defensible" that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^48\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^49\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^50\)

13. has partnered with Afilias,\(^51\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^52\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^48\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^49\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^51\) http://www.afilias.info/about-us

\(^52\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?c=ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Charlie Faege
Name: Charlie Faege
Title: Musician, Owner
Organization*: Tricky Dogs

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
⁴ http://music.us/expert/letters
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
⁷ See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qj-3k4nku8](http://branding.rightside.co/api/download/28qj-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{\text{th}}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{\text{th}}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter would also like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

33 [http://music.us/events](http://music.us/events)

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a

\textsuperscript{39} \url{https://www.icann.org/en/system/files/briefing-materials-2-05feb14-en.pdf}, Pg.3

\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and "conclusions that are compelling and defensible"\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^ {48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands,\(^ {49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),\(^ {50}\)

13. has partnered with Afilias,\(^ {51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^ {52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^ {48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^ {49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^ {51}\) http://www.afilias.info/about-us

\(^ {52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

JA Schnaars, Jr

Signature: jsnea@yahoo.com, Sep 8  ’15  ip: 76.181.117.22

Name: Jasey Schnaars

Title: Singer-songwriter

Organization*: TJC

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8. [http://music.us/events](http://music.us/events)
9. E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11. The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^\text{20}\)

The GNSO Final Report,\(^\text{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^\text{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^\text{23}\) This letter also supports the positions expressed in the letter\(^\text{24}\) sent to ICANN (on March 5\(^\text{th}\), 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^\text{25}\) sent to ICANN (on March 7\(^\text{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) http://music.us/events
\(^{21}\) GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?&ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string; 

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3

http://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t=ac=1392, 20a

http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Karmahn Standifer-Air de Cour

Name: Karmahn Standifer-Air de Cour

Title: Vocalist

Organization*: I'm a music lover

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"): 

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1, 2, 3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\begin{footnotesize}
\begin{enumerate}
\item \url{http://music.us/events}
\item \url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\item The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
\item \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\item \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
\end{enumerate}
\end{footnotesize}
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcko
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

---

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.41 Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”42 that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;43

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people44) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”45 In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”46) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;47

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^48\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^49\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^50\)

13. has partnered with Afilias,\(^51\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^52\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Christopher Grundy

Name: Christopher Grundy

Title: Owner

Organization*: Hand and Soil Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)  
14 http://music.us/board  
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173  
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401  
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780  
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292  
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See

http://music.us/expert/letters

http://www.isni.org/iso/catalogue_detail?csnumber=44292


42 http://music.us/expert/letters

43 http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: [Signature]

Name: Larry Knight
Title: Bandleader
Organization*: Blowin' Smoke Rhythm & Blues Band

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Atallah, 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applidetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applidetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2,084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.’’13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows a multi-stakeholder approach of fair representation of all types of global music constituents and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.D.s, that provide evidence and "conclusions that are compelling and defensible"\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.
49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.
51 http://www.afilias.info/about-us
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Haynie Smith

Signature:  haynie23@yahoo.com,  Sep 8 '15  ip: 107.221.0.217

Name: Haynie Smith
Title: ceo
Organization*: emerging music entertainment, llc

* If you are an artist/band enter your artist.band name
Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110

https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392


http://music.us/expert/letters

http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3

Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen/Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)

Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

---

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hannock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:\textsuperscript{12} a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,”\textsuperscript{13} (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.\textsuperscript{14}

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,\textsuperscript{15} ISRC,\textsuperscript{16} ISWC\textsuperscript{17} and the ISNI.\textsuperscript{18}

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.\textsuperscript{19} DotMusic developed its Mission and

\textsuperscript{12} A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe).
\textsuperscript{13} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
\textsuperscript{14} http://music.us/board
\textsuperscript{15} The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
\textsuperscript{16} The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
\textsuperscript{17} The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
\textsuperscript{18} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{19} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 [https://www.reverbnation.com](https://www.reverbnation.com)
31 [http://music.us/mcmo](http://music.us/mcmo)
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting.

These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Signature: watsolo@mac.com, Sep 8 '15  ip: 76.117.189.24

Name: Louis Watson

Title: President

Organization*: Lou Watson Music

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)
\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmcook-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmcook-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 — See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtds.icann.org/en/applicants/cpe).
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community. http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: curtis davis
Title: president
Organization*: curcarlin entertainment group

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and a half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. 

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36} 

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37} 

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38} 

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
31 http://music.us/expert/letters
33 http://music.us/expert/letters
35 Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
36 https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
37 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-status/applicationdetails:downloadpicposting/1392?c=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Ivy League Band

Name: Lucas George
Title: Manager
Organization*: Ivy League Band

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110  
\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)  
\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)  
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)  
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.  
\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community’” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related...

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;43

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;47

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?tc=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

butch barnette

Signature: butchbarnette@yahoo.com, Sep 8 ‘15 ip: 69.23.225.221

Name: butch barnette
Title: singer/songwriter
Organization*: butch barnette

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
⁴ http://music.us/expert/letters
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
⁷ See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8

This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe) and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

13 http://music.us/board

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

18 DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. 20

The GNSO Final Report, 21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, 22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” 23 This letter also supports the positions expressed in the letter 24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter 25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\(^\text{31}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^\text{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^\text{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^\text{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^\text{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^\text{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^\text{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\(^{31}\) http://music.us/expert/letters
\(^{43}\) http://music.us/expert/letters
\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\(^{46}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^ {49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^ {50}\)

13. has partnered with Afilias,\(^ {51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^ {52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\texttt{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\(^{50}\) See DotMusic MPCIDRP at \texttt{http://www.adrforum.com/RegistrySpec} and \texttt{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\(^{51}\) \texttt{http://www.afilias.info/about-us}

\(^{52}\) \texttt{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?c=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Steve Zelman

Signature: steitzelman@yahoo.com, Sep 8 '15 ip: 104.34.66.142

Name: steve zelman

Title: leader

Organization*: Floyd & the Flyboys

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehade, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
10 [http://www.wipo.int/treaties/en>ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See https://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\(^{20}\) [http://music.us/events](http://music.us/events)

\(^{21}\) GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquating, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquating (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Signature: cindyjoglow@gmail.com, Sep 8 '15  ip: 172.250.63.43

Name: Cindy Jo Hinkleman

Title: Independent Business Owner

Organization*: Cindy Jo Hinkleman

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music "industry" community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application. DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

8 http://music.us/events
9 E.g., .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g., BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
http://music.us/board
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
18 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} \url{http://music.us/events}
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 \url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
\textsuperscript{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\textsuperscript{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmc
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

33 http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Corry Hanna

Signature: guitarzan05@gmail.com, Sep 8 '15 ip: 172.242.240.131

Name: Corry Hanna

Title: musician

Organization*: Bird 5 Records

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlu8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Mary Bielinski
Name: Mary Bielinski
Title: Musician
Organization*: Maryb

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application1 with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments2 and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),3 over 40 experts,4 and the general public5 recognize and are aware of the existence an organized and delineated music “(industry) community”6 that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.7

---

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
2 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392  
4 http://music.us/expert/letters  
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)
\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8)), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))

\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^ {33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^ {34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\(^{31}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See \(\text{http://www.isni.org/}\) and \(\text{http://www.iso.org/iso/catalogue_detail?csnumber=44292}\)

\(^{31}\) \text{http://music.us/expert/letters}


\(^{33}\) \text{http://music.us/expert/letters}

\(^{34}\) \text{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}

\(^{35}\) Nielsen / Harris Poll, Quick Query Q3505. \text{http://music.us/nielsen-harris-poll.pdf}

\(^{36}\) Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^{37}\) \text{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a}

\(^{38}\) \text{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?td:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: rand@solardrivemusic.com, Sep 8 '15 ip: 63.155.126.205

Name: Rand Newiger
Title: President/Owner
Organization*: Solardrive Music and Media

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^{1}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^{2}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^{4}\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^{5}\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)

\(^{6}\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^{7}\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

\(^{34}\) http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}). As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Robert C. Beland

Signature: BobBeland@mac.com, Sep 8 '15 ip: 23.241.24.67

Name: Robert C. Beland

Title: Songwriter, Recording Artist

Organization*: Bob Beland/Wrong Way Works

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8)). Rightside also refers to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). Rightside also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”… “a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8)).


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

²⁰ http://music.us/events
²² The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…and aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰. As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
³⁷ http://music.us/comparison.pdf
³⁸ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.\(^{41}\) Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and "conclusions that are compelling and defensible"\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

\(^{41}\) http://music.us/expert/letters


\(^{43}\) http://music.us/expert/letters

\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known

\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf

Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^{46}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Brian D Decker

Signature: brian.decker@knology.net, Sep 8 '15  ip: 24.42.187.172

Name: Brian D Decker

Title: Musician

Organization*: The Lack Thereof

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392  
\(^4\) http://music.us/expert/letters  
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.  
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^\text{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^\text{33}\) [http://music.us/events](http://music.us/events)

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible“ that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness


41 [http://music.us/expert/letters](http://music.us/expert/letters)


43 [http://music.us/expert/letters](http://music.us/expert/letters)


45 Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)

Fielding Period: August 7-11, 2015, Pg. 1,2,3

46 [https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a

47 [http://music.us/board/](http://music.us/board/)
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: Joseph Albano
Title: CEO
Organization*: Yoga Kirtan Club

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1, 2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet users. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}). As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting.

These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years. DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

52 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: southiee@hotmail.com, Sep 9 ’15

Name: MARK COCHRAN

Title: SELF

Organization*: MUSICAN

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qj-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter 26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies 27 and DotMusic’s CPE Analysis. 28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. 29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation 30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. 31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

33 [http://music.us/events](http://music.us/events)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition file against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting.

These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
45 Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: fateyemusic@hotmail.com, Sep 8 '15 ip: 71.50.91.116

Name: Asaph Yisrael
Title: Founder & CEO
Organization*: FatEye Mucic

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110

\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392


\(^4\) http://music.us/expert/letters

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qj-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
23 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

http://music.us/expert/letters


http://music.us/expert/letters


Fielding Period: August 7-11, 2015, Pg. 1,2,3


http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

[Signature]

Name: Niko Jackson
Title: Artist
Organization*: Dope_Music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
Cyprus Namazi, ICANN Vice-President of DNS Engagement;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\footnote{http://music.us/events}

The GNSO Final Report,\footnote{GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\footnote{The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\footnote{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf} This letter also supports the positions expressed in the letter\footnote{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf} sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\footnote{https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf} sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30} https://www.reverbnation.com
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.
37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


51 http://www.afilias.info/about-us

This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Art Viloria

Name: Arthur Viloria
Title: owner
Organization*: Art Viloria

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

1. https://gtldresult.icann.org/application-result/applicationstatus/appli
cationdetails/1392, DotMusic Limited Application ID 1-1115-14110
2. https://gtldresult.icann.org/application-result/applicationstatus/appli
cationdetails:downloadpicposting/1392?ac=1392
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4lnku8](http://branding.rightside.co/api/download/28qi-3k4lnku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} \url{http://music.us/events}
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007 \url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, \url{http://www.ifpi.org/about.php}
\textsuperscript{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\textsuperscript{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
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].” This letter also supports the positions in the letter
to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\textsuperscript{41} http://music.us/expert/letters
\textsuperscript{43} http://music.us/expert/letters
\textsuperscript{44} http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf
\textsuperscript{46} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{47} http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: dd1803@yahoo.com, Sep 9 '15 ip: 50.183.20.238

Name: Daniel Larsen

Title: Song writer/musician/producer

Organization*: NA

* If you are an artist/band enter your artist/band name
Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music "(industry) community" that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

20 [http://music.us/events](http://music.us/events)
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29}Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
\textsuperscript{30}https://www.reverbnation.com
\textsuperscript{31}http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

33 18a and 20c
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also, any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands,\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^ {52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) [http://www.afilias.info/about-us](http://www.afilias.info/about-us)

\(^{52}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

mimi chen

Signature: mchen@entercom.com, Sep 9 '15 ip: 104.172.101.177

Name: Mimi Chen

Title: Radio DJ and musician

Organization*: KSWD FM

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry” “a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:12 a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”13 (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains).

Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.14

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,15 ISRC,16 ISWC17 and the ISNI.18

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.19 DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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." This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

[29] Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^3\)\(^2\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^3\)\(^3\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^3\)\(^4\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^3\)\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c
\(^3\)\(^3\) [http://music.us/events](http://music.us/events)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI.\textsuperscript{40} As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\footnote{http://music.us/expert/letters} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\footnote{CPE Guidelines, Pg.22, and CPE Panel Process Document, \url{http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf}, Pg.3} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\footnote{http://music.us/expert/letters}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\footnote{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\footnote{Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf} Fielding Period: August 7-11, 2015, Pg. 1,2,3} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\footnote{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\footnote{http://music.us/board/}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF)\textsuperscript{50}.

13. has partnered with Afilias\textsuperscript{51}, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (\texttt{http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks}). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at \texttt{http://www.adrforum.com/RegistrySpec} and \texttt{http://www.adrforum.com/users/adr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}

\textsuperscript{51} \texttt{http://www.afilias.info/about-us}

\textsuperscript{52} \texttt{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?c=ac=1392}
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: Robert Allen
Title: President
Organization*: Sha-La Music, Inc.

* If you are an artist/band enter your artist/band name
De: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))

13 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a

14 [http://music.us/board](http://music.us/board)


16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)


18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

19 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events

\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007

\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php


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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.  
30 https://www.reverbnation.com  
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---


\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^\text{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^\text{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^\text{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^\text{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^\text{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^\text{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.

Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^{42}\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^{43}\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^{44}\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^{45}\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^{46}\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^{47}\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

---

\(^{31}\) http://music.us/expert/letters


\(^{43}\) http://music.us/expert/letters

\(^{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known

\(^{45}\) Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf

Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^{46}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^{47}\) http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: Jada

Title: Club Advisor

Organization*: Yoga Kirtan Club

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence of an organized and delineated music "industry community" that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BII, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)


14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.  

The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Scheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; \(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. \(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an ”(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. \(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

---

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c

\(^{33}\) http://music.us/events

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

37 http://music.us/comparison.pdf
38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a
40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
46 Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community.

Respectfully submitted,

A. Nero

Signature: mayday321@gmail.com, Sep 9 '15 ip: 74.90.136.21

Name: A. Nero
Title: Producer
Organization*: APP

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1,2,3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.11

---

8 [http://music.us/events](http://music.us/events)

9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

²⁰ [http://music.us/events](http://music.us/events)
²² The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
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].” This letter also supports the positions in the letter sent to ICANN on April 14th, 2015 by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 18a and 20c

\(^{33}\) [http://music.us/events](http://music.us/events)

\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible“ that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

[341x215]and
http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
46 https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).

13. has partnered with Afilias, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

48 Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

49 DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years. DotMusic’s GPML is music-tailored and does not have such costs.


51 [http://www.afilias.info/about-us](http://www.afilias.info/about-us)

52 [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392;t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392)
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  
Name: Joe Caruso
Title: Director
Organization*: The Cullen group

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “industry” community that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
4 http://music.us/expert/letters
5 Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1,562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6 Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7 See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.11

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders,” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 https://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events  
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, http://www.ifpi.org/about.php  
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^\text{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^\text{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an “(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^\text{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{32}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
\(^{33}\) http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^48\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^49\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^50\)

13. has partnered with Afilias,\(^51\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^52\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Marios Papalexis

Signature: studio32pro@hotmail.com, Sep 9 '15 ip: 79.130.75.189

Name: Marios Papalexis

Title: Artist

Organization*: Marios Papalexis

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Atallah, 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity \textit{mainly} dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter26 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies27 and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community.

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\(^42\) that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\(^43\)

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\(^44\)) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^45\) In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\(^46\)) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\(^47\)

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

\[^{41}\text{http://music.us/expert/letters}\]
\[^{43}\text{http://music.us/expert/letters}\]
\[^{44}\text{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}\]
\[^{45}\text{Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf}\]
\[^{46}\text{http://music.us/board/}\]
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  arun@sweetsoulsound.com,  Sep 9 '15  ip: 207.38.225.193

Name: Arun Luthra

Title: Saxophonist, Konnakol Artist, Composer, Arranger

Organization*:  Arun Luthra

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

---

1. [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2,3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:  a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report, 21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, 22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter 24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter 25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;\(^{32}\)

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.\(^{33}\) This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.\(^{34}\) As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

\(^{33}\) [http://music.us/events](http://music.us/events)
\(^{34}\) [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\footnote{DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\footnote{See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\footnote{\url{http://music.us/comparison.pdf}}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\footnote{\url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\footnote{\url{https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf}, Pg.3} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\footnote{The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public}. As such, the string is aligned with DotMusic’s
Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: neil@revealsound.com, Sep 9 '15  ip: 86.26.142.131

Name: Neil Pickles

Title: Mr

Organization*: The Neil Anthony Collective

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110  
² [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)  
⁴ [http://music.us/expert/letters](http://music.us/expert/letters)  
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1,2.3)  
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe/#invitations](http://newgtlds.icann.org/en/applicants/cpe/#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
⁷ See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (i.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20}http://music.us/events
\textsuperscript{22}The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. 33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. 34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) http://music.us/comparison.pdf

\(^{38}\) https://gtldresult.icann.org/applicationresult/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\textsuperscript{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature:  

Name: John Lind  
Title: Guitar, vocals  
Organization*: Last Rites

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) Community,”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110

\(^2\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392)


\(^4\) [http://music.us/expert/letters](http://music.us/expert/letters)

\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at [https://gtldcomment.icann.org/applicationcomment/viewcomments](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)

\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [http://newgtlds.icann.org/en/applicants/cpe#invitations](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

\(^7\) See .MUSIC applicant comparison chart, [http://music.us/comparison](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, [https://newgtlds.icann.org/en/applicants/cpe](https://newgtlds.icann.org/en/applicants/cpe))


14 [http://music.us/board](http://music.us/board)

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See [http://www.ismn-international.org/whatis.html](http://www.ismn-international.org/whatis.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=43173](http://www.iso.org/iso/catalogue_detail?csnumber=43173)

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)


18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
23 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.28

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.29 An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation30), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.31 As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^{37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^{38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^{39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^{40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands,\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),\textsuperscript{50}

13. has partnered with Afilias,\textsuperscript{51} the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.

\textsuperscript{50} See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_DisputeResolutionPr

\textsuperscript{51} See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and

\textsuperscript{52} See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_DisputeResolutionPr

\textsuperscript{53} http://www.afilias.info/about-us

\textsuperscript{54} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community.

Respectfully submitted,

[Signature]

Signature:  

Name: Sal Brancaccio

Title: Owner

Organization*: SoCal Music & More/Group is Blue Tuesday.

* If you are an artist/band enter your artist/band name
Re: Support for .MUSIC Community-based Application\(^1\) with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments\(^2\) and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),\(^3\) over 40 experts,\(^4\) and the general public\(^5\) recognize and are aware of the existence an organized and delineated music “(industry) community”\(^6\) that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.\(^7\)

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110
\(^2\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
\(^4\) http://music.us/expert/letters
\(^5\) Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
\(^6\) Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
\(^7\) See .MUSIC applicant comparison chart, http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 [http://music.us/events](http://music.us/events)
9 E.g. MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\textsuperscript{20}

The GNSO Final Report,\textsuperscript{21} which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\textsuperscript{22} which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\textsuperscript{23} This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{th}, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\textsuperscript{25} sent to ICANN (on March 7\textsuperscript{th}, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

\textsuperscript{20} http://music.us/events
\textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{22} The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

---

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf, Pg. 6

\textsuperscript{37} http://music.us/comparison.pdf

\textsuperscript{38} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^ {52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?tc=ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

kilokapanel

Signature: kilokapanel@gmail.com, Sep 9 '15 ip: 172.56.6.131

Name: kilo kapanel

Title: vp/artist

Organization*: mobfioso music

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

---

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

---

8 [http://music.us/events](http://music.us/events)
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hanmook-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nlku8](http://branding.rightside.co/api/download/28qi-3k4nlku8))
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;32

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.33 This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community” with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.34 As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\(^{35}\) It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\(^{36}\)

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\(^ {37}\)

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\(^ {38}\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^ {39}\) comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\(^ {40}\). As such, the string is aligned with DotMusic’s

---

\(^{35}\) DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


\(^{37}\) [http://music.us/comparison.pdf](http://music.us/comparison.pdf)

\(^{38}\) [https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392](https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392), 20a


\(^{40}\) The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.\textsuperscript{41} Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292} \textsuperscript{41} \url{http://music.us/expert/letters} \textsuperscript{42} CPE Guidelines, Pg.22, and CPE Panel Process Document, \url{http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf} Pg.3 \textsuperscript{43} \url{http://music.us/expert/letters} \textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known} \textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf} Fielding Period: August 7-11, 2015, Pg. 1,2,3 \textsuperscript{46} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a} \textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Chris Sleight

Name: Chris Sleight
Title: Recording engineer
Organization*: Megasound studio

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg.1, 2, 3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events. This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments, which includes shared rules and communal regulations.

---

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”…“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008. The GNSO Final Report, which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust” (CV 7-10). DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry, which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.” This letter also supports the positions expressed in the letter sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process...to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet users. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

---

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ae=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

41 http://music.us/expert/letters
43 http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
47 http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^{50}\)

13. has partnered with Afilias,\(^{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

---

\(^{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^{51}\) http://www.afilias.info/about-us

\(^{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: Mary N. Lemanski

Name: Mary N. Lemanski
Title: Musician
Organization*: Mary Lemanski

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & 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;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC), over 40 experts, and the general public recognize and are aware of the existence an organized and delineated music “(industry) community” that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.

1. [Link](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392), DotMusic Limited Application ID 1-1115-14110
2. [Link](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392)
4. [Link](http://music.us/expert/letters)
5. Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at [Link](https://gtldcomment.icann.org/applicationcomment/viewcomments)). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, [Link](http://music.us/nielsen-harris-poll.pdf), August 7-11, 2015, Pg. 1.2.3)
6. Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See [Link](http://newgtlds.icann.org/en/applicants/cpe#invitations)), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.
7. See .MUSIC applicant comparison chart, [Link](http://music.us/comparison)
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.\(^8\) This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.\(^9\)

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,\(^10\) which includes shared rules and communal regulations.\(^11\)

\(^8\) [http://music.us/events](http://music.us/events)

\(^9\) E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See [https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf)). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” ([http://branding.rightside.co/api/download/28qb-dj9ehrud](http://branding.rightside.co/api/download/28qb-dj9ehrud), Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, [http://branding.rightside.co/api/download/28qi-3k4nku8](http://branding.rightside.co/api/download/28qi-3k4nku8))


\(^11\) The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See [http://www.wipo.int/treaties/en/text.jsp?file_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)
14 http://music.us/board
15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See [http://www.ismn-international.org/whatis.html](http://www.ismn-international.org/whatis.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=43173](http://www.iso.org/iso/catalogue_detail?csnumber=43173)
16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.\(^{20}\)

The GNSO Final Report,\(^{21}\) which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,\(^{22}\) which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”\(^{23}\) This letter also supports the positions expressed in the letter\(^{24}\) sent to ICANN (on March 5\(^{th}\), 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter\(^{25}\) sent to ICANN (on March 7\(^{th}\), 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

---

\(^{20}\) [http://music.us/events](http://music.us/events)


\(^{22}\) The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)


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].” This letter also supports the positions in the letter\textsuperscript{26} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies\textsuperscript{27} and DotMusic’s CPE Analysis.\textsuperscript{28}

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.\textsuperscript{29} An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation\textsuperscript{30}), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.\textsuperscript{31} As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

\textsuperscript{29} Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.  
\textsuperscript{30} https://www.reverbnation.com  
\textsuperscript{31} http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination; 

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.\textsuperscript{35} It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;\textsuperscript{36}

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;\textsuperscript{37}

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”\textsuperscript{38}

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\textsuperscript{39} comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI\textsuperscript{40}. As such, the string is aligned with DotMusic’s

\textsuperscript{35} DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

\textsuperscript{36} See \url{http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf}, Pg. 6

\textsuperscript{37} \url{http://music.us/comparison.pdf}

\textsuperscript{38} \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a


\textsuperscript{40} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”\textsuperscript{42} that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;\textsuperscript{43}

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people\textsuperscript{44}) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75\% of the respondents) responded “Yes.”\textsuperscript{45} In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”\textsuperscript{46}) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;\textsuperscript{47}

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}
\textsuperscript{41} \url{http://music.us/expert/letters}
\textsuperscript{43} \url{http://music.us/expert/letters}
\textsuperscript{44} \url{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}
\textsuperscript{45} Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{46} \url{https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392}, 20a
\textsuperscript{47} \url{http://music.us/board/}
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\textsuperscript{48} for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\textsuperscript{49}

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\textsuperscript{50}

13. has partnered with Afilias\textsuperscript{51}, the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\textsuperscript{52} that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\textsuperscript{48} Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption. \textsuperscript{49} DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs. \textsuperscript{50} See DotMusic MPCIDRP at http://www.adrforum.com/RegistrySpec and http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx \textsuperscript{51} http://www.afilias.info/about-us \textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Thomas Howard Lichtenstein

Signature:

Name: Thomas Howard Lichtenstein

Title: Mr. musician, artist

Organization*: THL, TheCaptainT

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Atallah, 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;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community,”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-14110  
² https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?ac=1392  
⁴ http://music.us/expert/letters  
⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and support DotMusic’s community application (See ICANN New gTLD Public Comments at https://gtldcomment.icann.org/applicationcomment/viewcomments). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf, August 7-11, 2015, Pg. 1.2.3)  
⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See http://newgtlds.icann.org/en/applicants/cpe/#invitations), DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.  
⁷ See .MUSIC applicant comparison chart. http://music.us/comparison
The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related events.8 This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.9

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,10 which includes shared rules and communal regulations.11

8 http://music.us/events
9 E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See https://icann.org/en/system/files/correspondence/hanmmock-to-crocker-et-al-12aug15-en.pdf). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (http://branding.rightside.co/api/download/28qb-dj9ehrud, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization mainly dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally” (Pg.3). (See .BAND Marketing Kit, http://branding.rightside.co/api/download/28qi-3k4nlku8)
10 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
11 The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698
DotMusic has the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string: a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.” (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN, ISRC, ISWC and the ISNI.

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination. DotMusic developed its Mission and

---

12 A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, https://newgtlds.icann.org/en/applicants/cpe)

13 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a

14 http://music.us/board

15 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/catalogue_detail?csnumber=43173

16 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

17 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

18 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

19 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 18a and 20c
Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.20

The GNSO Final Report,21 which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community…that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,22 which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”23 This letter also supports the positions expressed in the letter24 sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter25 sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect…the community application process…to have meaning and for the community

20 http://music.us/events
22 The IFPI represents the recording industry worldwide and is an entity mainly dedicated to the global Music Community, http://www.ifpi.org/about.php
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].” This letter also supports the positions in the letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest.” This letter also supports the position of the International Federation of Arts Councils and Culture Agencies and DotMusic’s CPE Analysis.

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost. An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application’s cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members’ names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO’s because DotMusic’s naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member’s name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs. As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic’s policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

29 Alternatively, we support DotMusic’s premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.
30 https://www.reverbnation.com
31 http://music.us/mcmo
content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited’s .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;  

2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;

3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear “(industry) community” supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities mainly dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others. As such, DotMusic’s community application should overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string given the EIU’s consistent rationale with respect to the prevailing “(industry) community” CPE determinations for .HOTEL, .RADIO and .SPA.

32 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 18a and 20c
33 http://music.us/events
4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it. It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment…aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and businesses, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI. As such, the string is aligned with DotMusic’s

---

35 DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.


37 http://music.us/comparison.pdf

38 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392, 20a


40 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public
Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion. Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;

8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible” that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;

11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
http://music.us/expert/letters
http://music.us/expert/letters
Fielding Period: August 7-11, 2015, Pg. 1,2,3
http://music.us/board/
of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase\(^\text{48}\) for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands.\(^\text{49}\)

12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF).\(^\text{50}\)

13. has partnered with Afilias,\(^\text{51}\) the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.

14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and

15. is accountable to the global Music Community through its Public Interest Commitments\(^\text{52}\) that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

\(^\text{48}\) Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

\(^\text{49}\) DotMusic’s GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts’ DPML, which charges nearly $3,000 every 5 years (http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks). DotMusic’s GPML is music-tailored and does not have such costs.


\(^\text{51}\) http://www.afilias.info/about-us

\(^\text{52}\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ac=1392
This letter of support urges ICANN and the EIU to pass DotMusic’s application in CPE because it exceeds the criteria required to pass. DotMusic’s application responsibly serves a higher purpose to fulfill the Community’s needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic’s community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program’s objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic’s) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community’s interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program’s last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: scottleang@hotmail.com, Sep 9 '15 ip: 86.175.19.114

Name: Scott Leang

Title: Mr

Organization*: Freelance Musician

* If you are an artist/band enter your artist/band name