October 31, 2015

Re: Over 85 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 85 new Letters of Support for DotMusic Limited and its .MUSIC mult-stakeholder, community-based application with ID 1-1115-14110.

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, 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  
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.\(^7\)

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\(^1\) [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.\(^11\)

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\(^8\) [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.pdf](http://branding.rightside.co/api/download/28qb-dj9ehrud.pdf), 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

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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

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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 aplicacióndetails:downloadapplication/1392?tae=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

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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
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?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 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:ae=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: tweeduk@hotmail.com, Sep 9 ’15   ip: 212.58.56.75

Name: Mark Newman

Title: Mr

Organization*: Mark Newman

* 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.\(^7\)

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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.

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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

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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 constrained, 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
31 http://music.us/memo
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

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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 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: rtennille324@yahoo.com, Sep 8 '15 ip: 107.4.24.187

Name: Robin Tennille

Title: Co-owner/Chief Operations Officer

Organization*: FOCUSS Entertainment

* 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.

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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.

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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.”

(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.

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

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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:ae=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 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 money flows 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

\begin{footnotes}
\item[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.
\item[37] \url{http://music.us/comparison.pdf}
\item[38] \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392}, 20a
\item[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
\end{footnotes}
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.\(^4\) 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;\(^4\)

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.”\(^4\) 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”\(^4\)) 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;\(^4\)

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

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\(^2\) http://music.us/expert/letters

\(^3\) http://www.isni.org/iso/catalogue_detail?csnumber=44292


\(^5\) Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^6\) https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a

\(^7\) 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 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, 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?ca=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: Cory N Childers
Title: Cory N Childers
Organization*: BMI

* 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.\(^7\)

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\(^1\) [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.

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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

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14 http://music.us/board
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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

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\textsuperscript{20} \url{http://music.us/events}  \\
\textsuperscript{21} \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}  \\
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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

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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?ae=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?ae=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
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.

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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:ae=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,

Carion Bruno P

Signature: bruno@neomme.com, Sep 9 ’15, ip: 109.190.123.170

Name: CARIOU

Title: CEO

Organization*: NEOMME

* 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 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.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

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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

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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.\(^{20}\)

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\(^{20}\) \url{http://music.us/events} \\
\(^{22}\) 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 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/memo
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 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?t: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://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 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 Trademark 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:ae=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: Dwain Martin  

Title: Songwriter  

Organization*: 45 North / The Librarians

* 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.\(^7\)

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\(^1\) [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

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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

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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 and that “we expect…the community application process…to have meaning and for the community

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\(^{20}\) [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.

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

\(^{33}\) [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

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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://gltresult.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

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\(^{41}\) 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
\(^{46}\) 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 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:ae=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: Maria gonzales

Title: Co-Managing Partner

Organization*: Yardnoise

* 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?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. 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.

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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

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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](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.


\(^{33}\) [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

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\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/1392atars=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.

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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,

Sean Harley

Signature: rshumi@gmail.com,  Sep 9 ’15   ip: 184.149.24.61

Name: Sean Harley

Title: Artist

Organization*: Trench Town Oddities

* 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.\(^7\)

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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.

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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

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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 ISMN (International Standard Music Number) 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{26} \url{https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf}
\textsuperscript{27} \url{https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf}
\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} \url{https://www.reverbnation.com}
\textsuperscript{31} \url{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.

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\(^\text{32}\) 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.\(^{35}\) 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, 20a](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://gldresult.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: Jerry Konecny

Title: songwriter/guitarist/singer

Organization*: Bakkus

* 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.\(^7\)

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\(^1\) [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.

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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

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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.ismninternational.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

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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

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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. 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://gldresult.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


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:ae=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: clechat@bigburrito.com, Sep 9 '15

Name: Corey LeChat

Title: Cultural Engineer

Organization*: Corey LeChat/The Gothees

* 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.

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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/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

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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?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.

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
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\(^{48}\) 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.

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\(^{48}\) 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,

Bob Crawford

Signature:  rmco_music@hotmail.com,  Sep 9 '15  ip: 72.89.118.31

Name:  Bob Crawford

Title:  President

Organization*:  RMCO 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.\(^7\)

\(^1\) [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.\(^11\)

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\(^8\) [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

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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 \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\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.\(^{35}\) 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

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\(^{35}\) 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, 20a](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{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?tae=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, 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.

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\(^{48}\) 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

\(^{51}\) 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: Daniel Shaw
Title: Mr
Organization*: Minor Works Unit

* 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, 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.

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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

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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 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 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;  

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.

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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://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  
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.

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\(^{48}\) 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://gltresult.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: andymacmusic@gmail.com,  Sep 9 '15  ip: 158.222.229.217

Name: Andrew McNamara
Title: Owner
Organization*: Stay Clean 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
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.

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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: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

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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

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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?t:ac=1392, 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, comprising 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.\(^\text{41}\) 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

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\(^{41}\) 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

\(^{46}\) 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?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,

Douglas Tomooka

Signature: dougtomooka@msn.com, Sep 9 '15    ip: 76.103.84.195

Name: Douglas Tomooka

Title: Artist

Organization*: Saiku Sapien

* 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 of 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, 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
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

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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}

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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 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/memo
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.\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, 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, 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\(^{48}\) 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:ae=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:  Acquanetta Moore

Name:  Acquanetta Moore

Title:  Guitarist

Organization*:  QG Moore

* 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.\(^11\)

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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

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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 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/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;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://www.isni.org/ and http://www.iso.orgiso/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 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?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,

Mike Seguin

Signature: heavyamerica.us@gmail.com, Sep 9 ’15  ip: 173.48.75.40

Name: Michael T. Seguin

Title: Lead Vocalist, Guitarist, Songwriter

Organization*: Heavy AmericA

* 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](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

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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.\(^\text{20}\)

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)

\(^{21}\) 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 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

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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/memo
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.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
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\(^{48}\) 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:ae=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,

Maria E. Rivera Laborde

Signature:

Maria E. Rivera Laborde

Title: Social Media

Organization*: Atabal

* 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.

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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-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-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

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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).
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
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 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

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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/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;\(^{32}\)

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 \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 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 See DotMusic’s Public Interest Commitments at http://www.afilias.info/about-us

52 See DotMusic’s Public Interest Commitments at 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,

Benoit Mailloux-Pilon

Signature:

Name: Benoit Mailloux-Pilon

Title: Mr.

Organization*: BMP Design

* 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.\(^7\)

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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://gtdlcomment.icann.org/applicationcomment/viewcomments](https://gtdlcomment.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/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/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.” This letter also supports the positions expressed in the letter\textsuperscript{24} sent to ICANN (on March 5\textsuperscript{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\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 \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...
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.\(^3\)\(^5\) 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;\(^3\)\(^6\)

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;\(^3\)\(^7\)

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;”\(^3\)\(^8\)

7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,\(^3\)\(^9\) 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\(^4\)\(^0\). 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. 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.

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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,

Raphael Slagg / Randy J. Bimslager
blindfret@gmail.com, Sep 9 '15

Signature:
Name: Raphael Slagg / Randy J. Bimslager
Title: Owner Blind Fret / Blind Fret Studios
Organization*: Blind Fret

* 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.\(^7\)

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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.\(^11\)

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\(^8\) [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.

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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.\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{itemize}
\item \textsuperscript{20} \url{http://music.us/events}
\item \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}
\item \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}
\item \textsuperscript{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\item \textsuperscript{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
\item \textsuperscript{25} \url{https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf}
\end{itemize}
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/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;\(^\text{32}\)

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.


\(^{33}\) [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

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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\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:ae=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,

Peter Xifaras

Signature: peter@peterxifaras.com, Sep 9 '15   ip: 108.34.225.52

Name: Peter Xifaras

Title: Artist

Organization*: Symphonex Orchestra

* 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.\(^7\)

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\(^1\) 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.

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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.” (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

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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 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](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\(^48\) 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 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?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]

dchurchill_98@yahoo.com, Sep 9 '15

Name: david churchill

Title: musician

Organization*: me

* 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.\(^7\)

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\(^1\) [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

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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)
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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.

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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{itemize}
\item \textsuperscript{20}http://music.us/events
\item \textsuperscript{21}GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\item \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
\item \textsuperscript{23}https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf
\item \textsuperscript{24}https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf
\end{itemize}
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

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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.

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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 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 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.

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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:ae=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,

By: Neil J. Cacciottolo, Mus. Esq.

neilcacciottolo@gmail.com, Sep 9 '15  ip: 104.162.201

Signature:

Name: Neil J. Cacciottolo, Mus. Esq.

Title: Licensed Producer / Legal Consultant.


* 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.\(^7\)

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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, 12, 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/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

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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
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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 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\footnote{https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf} 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 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

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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

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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

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?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,

Tim Korry

Signature: timkorry@gmail.com, Sep 9 '15    ips: 198.177.95.129

Name: Tim Korry

Title: Artist

Organization*: www.timkorry.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 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.

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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

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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.

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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

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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. 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

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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?as=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.\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, 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, 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 \footnote{http://www.isni.org/} and \footnote{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 (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:ae=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,

DJ Warner

Signature: warnersongs@gmail.com, Sep 9 ‘15 ip: 50.124.208.35

Name: DJ Warner

Title: musician

Organization*: Warnersongs 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/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.\(^11\)

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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

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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://newgltlds.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{itemize}
\item [\textsuperscript{20}] http://music.us/events
\item [\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{itemize}
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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.

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\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;\(^\text{32}\)

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.


\(^{33}\) [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?ae=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
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,

Jennifer St. Clair

Signature: jennstc@jenniferstclair.com, Sep 9 ’15   ip: 69.180.91.222

Name: Jennifer St. Clair

Title: CEO

Organization*: ST CLAIR ENTERTAINMENT INC

* 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/applicandetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicandetails/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.\(^8\) 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).
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{thebibliography}{9}
\bibitem{20} http://music.us/events
\bibitem{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{thebibliography}
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 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.\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

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
45 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:ae=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: Steve Spall
Title: Mr
Organization*: The Violet Jive

* 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.\(^7\)

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\(^1\) [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.\(^11\)

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\(^8\) [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.”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.13

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.14

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.15 DotMusic developed its Mission and

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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 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

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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. 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\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:ae=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,

Erric Walker

Signature: lewalk00@gmail.com, Sep 9 ‘15    ip: 63.193.176.3

Name: Erric Walker

Title: Founder

Organization*: Invisible Panthers

* 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


\(^4\) [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.\(^8\) 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

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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/memo
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.

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\(^{32}\) 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. 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

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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
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\(^{(48)}\) 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.

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\(^{(48)}\) 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 (\url{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 \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}

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

\(^{(52)}\) \url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?c=ae=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,

James Citkovic

Signature: James Citkovic

Name: James Citkovic

Title: Founder & President

Organization*: COUNTDOWN ENTERTAINMENT

* 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 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.

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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.

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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))
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: 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

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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

\(^{20}\) [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

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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.\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.\footnote{\url{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{\url{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{\url{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{\url{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{\url{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{\url{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}, \url{http://music.us/expert/letters}
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,

Jonus Wade

Signature: jonus.wade@gmail.com, Sep 9 '15 ip: 104.35.107.161

Name: Jonus Wade

Title: Vice President

Organization*: Ritmeck

* If you are an artist/band enter your artist/band name
Dr. Steve Crocker, Chairman of the ICANN Board;
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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.

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.

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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 “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

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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 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

\(^{21}\) 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 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?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

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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,

Parry Abbott

Signature: nakhuy@sbcglobal.net, Sep 9 '15 ip: 50.153.159.61

Name: Parry Abbott
Title: Musician
Organization*: Parry Abbott

* 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.\(^7\)

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\(^1\) [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.\(^8\) 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.\(^11\)

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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

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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 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

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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

\(^{34}\)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?ae=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

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\(^{41}\) 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.

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\(^{48}\) 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](http://www.adrforum.com/RegistrySpec) and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolu](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolu)

\(^{51}\) [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,


djennings granville morgan

Signature:

Name: djennings granville morgan

Title: songwriter / performer

Organization*: wailinsmash

* 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.

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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-dj9e9rud, 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 been supported by 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

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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}GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\textsuperscript{21}\url{http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm}
\textsuperscript{22}\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\(^26\) 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
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
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 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.

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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]

Name: thierry kauffmann
Title: artist
Organization*: thierry kauffmann

* 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.\(^7\)

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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 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 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.

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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: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

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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 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?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

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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://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ta=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\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:ae=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: Victor Nolasco

Name: Victor Nolasco

Title: Business Owner

Organization*: Sol

* 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, 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.

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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 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/ShowResults.jsp?lang=en&treaty_id=15
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

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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.

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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:

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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](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

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\(^{35}\) 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 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 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.

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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:ae=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]: Dave Tamkin

[Title]: Singer Songwriter

[Organization*]: Head Above Music / Dave Tamkin

* 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
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: 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

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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 Scheckler 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 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/memo
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

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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 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 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 (\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?ref=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,

Gail Ford

Signature: jfordt5@aol.com, Sep 9 '15 ip: 146.199.91.187

Name: Gail Ford

Title: Mrs

Organization*: Gail Ford

* 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, 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/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

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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=28780
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=23401
18 The ISNI (International Standard Name Identifier) 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.

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\(^{32}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?tc=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?tc=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?tc=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?tc=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\footnote{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.} 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{\url{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{\url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ae=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,

Signature:  
Name: Terence O'FLaherty
Title: Mr
Organization*: Artist

* 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.

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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 to 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.”\(^{12}\) (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.\(^{14}\)

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

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\(^{12}\) 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](https://newgtds.icann.org/en/applicants/cpe)).

\(^{13}\) [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), 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/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173](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](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)

\(^{17}\) 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)

\(^{18}\) 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?t:ac=1392](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


\(^{22}\) 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 ensuring 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 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:ae=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,

scott williamson

Signature:  sunco30@hotmail.com,  Sep 9 '15    ip: 174.5.181.195

Name: scott williamson

Title: concerned musician

Organization*: independent musician

* 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?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. 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.

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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: 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/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.

\(^{32}\) 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?tc=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


46 https://gltresult.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 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:ae=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: PETER KIM-FREDELL

Name: PETER KIM-FREDELL
Title: OWNER
Organization*: UNIFIED FIELD 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 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.

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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

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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:ae=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.

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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

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\(^{35}\) 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 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.

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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: Jaime Garamella
Title: Singer/Songwriter
Organization*: The Spanish Channel / Jaime Garamella

* 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<sup>1</sup> 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<sup>2</sup> 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),<sup>3</sup> over 40 experts,<sup>4</sup> and the general public<sup>5</sup> recognize and are aware of the existence an organized and delineated music "(industry) community"<sup>6</sup> 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.<sup>7</sup>
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.

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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

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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 Scheckler 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 \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\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 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.\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/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;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://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.

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\(^{48}\) 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,

Lynn Julian

Signature: julian@lynnjulian.com, Sep 8 '15 ip: 216.15.126.202

Name: Lynn Julian

Title: Owner

Organization*: Lynn Julian aka Cookie Cutter Girl, Pop Superhero

* 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.\(^7\)

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\(^1\) [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

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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: “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

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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 
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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

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\(^{20}\) [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

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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.

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


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 (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:ae=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: nuavatarmusic@gmail.com, Sep 9 ’15

Name: Charles Z.

Title: Artist

Organization*: Fidelity Music 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 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/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

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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.

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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://gtdresult.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

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\(^{35}\) 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?ae=1392](https://gtdresult.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.\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 \textit{Community Establishment, Nexus} and \textit{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/nielson-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

\footnote{http://www.isni.org/ and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}} 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 (\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,

David A Vance

Signature:  dave@mlrkrmedia.com, Sep 9 '15    ip: 71.55.186.139

Name:  David A Vance

Title:  Owner

Organization*:  David Vance 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


\(^4\) [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.

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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, ISRC, ISWC 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

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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{thebibliography}{99}
\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, \url{http://www.ifpi.org/about.php}
\end{thebibliography}
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/memo
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://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 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 Trademark 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: Dan Roark

Title: Owner

Organization*: Chasing After Wind Productions/Artist

* 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.

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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

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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 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.\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 \(\text{(CV 7-10)}\).” 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{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 5\textsuperscript{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\footnote{https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf} 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{26} \url{https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf}
\textsuperscript{27} \url{https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf}
\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} \url{https://www.reverbnation.com}
\textsuperscript{31} \url{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.\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}\newline 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}

\footnote{http://music.us/expert/letters}


\footnote{http://music.us/expert/letters}

\footnote{http://www.wordreference.com/es/translation.asp?tranword=commonly%20known}

\footnote{Nielsen / Harris Poll, Quick Query Q3505, \url{http://music.us/nielsen-harris-poll.pdf}\newline Fielding Period: August 7-11, 2015, Pg. 1,2,3}

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

\footnote{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-trade). 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,

Signature: info@uturn.us,  Sep 9 '15  ip: 192.31.106.34

Name: Daniel R. Waller

Title: musician, songwriter

Organization*: UTURN

* 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.\(^7\)

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\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392, DotMusic Limited Application ID 1-1115-1411

\(^2\) 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.

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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-3k4nIku8)
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

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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](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?ac=1392) and 20a
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/memo
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?ae=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?t: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

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

\[\text{http://music.us/expert/letters}\]


\[\text{http://music.us/expert/letters}\]


\[\text{Nielsen / Harris Poll, Quick Query Q3505, }\text{http://music.us/nielsen-harris-poll.pdf}\]

\[\text{Fielding Period: August 7-11, 2015, Pg. 1,2,3}\]

\[\text{http://gldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?tae=1392, 20a}\]

\[\text{http://music.us/board/}\]
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?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,

Travis Boykin

Signature: bullethead.music@gmail.com  Sep 9 '15  ip: 107.77.168.34

Name: Travis Boykin

Title: Producer

Organization*: BULLETHEAD BEATZ

* 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.

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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

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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 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

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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](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. 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

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\(^\text{41}\) http://music.us/expert/letters
\(^\text{43}\) http://music.us/expert/letters
\(^\text{44}\) http://www.wordreference.com/es/translation.asp?tranword=commonly%20known
Fielding Period: August 7-11, 2015, Pg. 1,2,3
\(^\text{46}\) 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 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 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 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?c=ae=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 install 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,

Sharon Benson

Signature: sbenson2@icentral.rr.com  Sep 9 '15  ip: 76.169.96.23

Name: Sharon Benson

Title: Owner/Partner

Organization*: Biheart Entertainment Group – Band: SOUL 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 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.

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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

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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
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 Scheckler 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{itemize}
\item \textsuperscript{20} http://music.us/events
\item \textsuperscript{21} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\item \textsuperscript{22} GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
\item \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
\item \textsuperscript{24} https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf
\end{itemize}
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

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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

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\(^{35}\) 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#20a](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”\(^\text{42}\) 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

\(^{41}\) 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

\(^{46}\) 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{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%282%29.docx

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

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ae=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,

Norman.E.Morris

Signature: kithay7@hotmail.com, Sep 10 '15  ip: 94.249.116.11

Name: Norman E. Morris

Title: Musician and owner of Yonah Music

Organization*: Yonah 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


\(^4\) [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.

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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

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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
Registração de políticas de operação, por um método de consenso, de baixo para cima, via feedback e princípios universais coletados em sua ação contínua, extensa, de comunicação global de interesse público lançada em 2008.20

O relatório final do GNSO,21 que forneceu as diretrizes básicas para o novo gTLD processos de aplicação e a AGB afirma que: “onde um aplicante fornece alguma legislação que o TLD está destinado a apoiar uma comunidade... que legislação será tomada em conta [CV 7-10].” DotMusic’s demonstrável e inédito apoio, definição de comunidade e políticas personalizadas (que foram desenvolvidas ao longo de anos de alcance e consulta com a comunidade), claramente validam tal confiança.

DotMusic’s definição de comunidade para incluir todos os membros da comunidade sem discriminação afirma que a comunidade não foi construída, consistente com as diretrizes de comunidade estabelecidas pelo relatório final do GNSO, que declarou que “comunidade deve ser interpretada de forma aberta e incluir, por exemplo, um setor econômico, uma comunidade cultural, ou uma comunidade linguística.” Ademais, o relatório final do GNSO afirma que “oposição deve ser baseada em obstrução. Determinação será feita por um painel de resolução de disputa constituído para o propósito. O dever do painel é a determinação de opressão substancial. O objeto deve fornecer evidência verificável de que é uma instituição estabelecida da comunidade... O painel avaliará o equilíbrio entre o nível de obstrução apresentado por uma instituição estabelecida ou mais e o nível de apoio fornecido na aplicação por uma instituição estabelecida ou mais. O painel avaliará significância proporcional ao nível explícito ou implícito de alvo.” DotMusic’s aplicação não teve nenhuma Objeção de comunidade registrada contra ele com o ICC. Assim, qualquer oposição não-formal apresentada sem um painel de resolução de disputa deve ser considerada irrelevante e suspeita. Em proporção, a oposição do último momento apresentada para o propósito da obstrução é irrelevante, especialmente quando comparada com o inédito nível de apoio da aplicação de DotMusic pela maioria da comunidade.

Respeitando e protegendo direitos musicais serve tanto a comunidade musical global e o interesse público. Este Memorando apoia a posição do International Federation of the Phonographic Industry,22 que endossar DotMusic porque ele “tem comprometido-se publicamente e estará atado a implementar medidas significativas e robustas para proteger contra plágio on-line.”23 Este Memorando também apoia as posições expressas na carta24 enviada a ICANN (no dia 5 de março, 2015) por Victoria Sheckler do RIAA e a favor de uma coalizão mundial da comunidade musical, e a carta25 enviada a ICANN (no dia 7 de março, 2015) por Rich Bengloff da A2IM e a favor de uma maioria da coalizão do mundo musical com base em uma maioria da comunidade independente musical, a favor da aplicação [DotMusic] “comunidade” para .MUSIC e que “esperamos que o processo de aplicação da comunidade... tenha significado e para a comunidade

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?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.\(^{41}\) 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?tt: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:ae=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,

                           Nathan Daniel Limbaugh

Signature:

Name: Nathan Daniel Limbaugh

Title: Mr.

Organization*: Cry Me A River Publishing

* 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/application/comment/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.

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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-3k4nku8, 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)

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: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

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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?t:ac=1392, 18a and 20c](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 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

\begin{itemize}
\item [\textsuperscript{20}]http://music.us/events
\item [\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{itemize}
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.

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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.\(^{35}\) 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

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\(^{35}\) 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 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 See DotMusic at http://www.afilias.info/about-us

52 See DotMusic at 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,

Justin M Brauer

Signature: justinmbrauer@gmail.com, Sep 10 '15 ip: 128.174.158.218

Name: Justin M Brauer

Title: Musician

Organization*: N/A

* 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.

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.

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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

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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?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

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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](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/)
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),\(^{49}\)

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 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.

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\(^{48}\) 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]

Ellen Shipley

Name: Ellen Shipley
Title: singer/songwriter
Organization*: Ellen Shipley

* 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
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://newgtdls.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.

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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: 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

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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

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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 \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
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\(^{48}\) 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://gldresult.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,

Pablo Orozco-Castro

Signature:

Name: Pablo Orozco-Castro

Title: CEO

Organization*: Outrospection 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.

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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

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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 2008.20

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

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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.

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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.

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\(^{32}\) [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?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
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:ae=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:  elmin041475@yahoo.com,  Sep 10 '15   ip: 70.191.204.49

Name:  Eldric T Coonors

Title:  Owner

Organization*:  414 Creative 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.\(^7\)

\(^1\) [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.

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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

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\(^{12}\) 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.\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.” 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}
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 14, 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:ae=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

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\(^{35}\) 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”\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 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.

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\(^{48}\) 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,

Bernie Sirelson

Signature: music@transclassical.com, Sep 9 ’15  ip: 107.214.30.165

Name: Bernie Sirelson

Title: Composer, Educator

Organization*: Transclassical

* If you are an artistiband enter your artistband 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.\(^7\)

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\(^1\) [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.

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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

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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://newglds.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\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

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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]

Name: Kristina L. Bennett

Title: Ms.

Organizations*: Kristina Bennett

* 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.\(^7\)

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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

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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

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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
\(^{22}\) 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

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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/memo
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

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\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://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

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\(^48\) 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]

MarleneJones-Skurtu

Songwriter, Producer

Nightbloom 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.\(^7\)

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\(^1\) [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


\(^4\) [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://gtdlcomment.icann.org/applicationcomment/viewcomments](https://gtdlcomment.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://newgtdlds.icann.org/en/applicants/cpe/#invitations](http://newgtdlds.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.

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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

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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

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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

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\(^{29}\) 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?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/](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)
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 by the music Community.

Respectfully submitted,

Signature:  d_lede@yahoo.com, Sep 11 '15  ip: 70.139.198.100

Name:  Dodd Lede

Title:  CEO

Organization*:  Sonic Smack Records

* 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.

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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

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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.\(^{20}\)

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

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\(^{20}\) [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?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 \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?ae=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://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?tae=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{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%282%29.docx

\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,

Glenn Kassahn

Signature: gkassahn@hotmail.com, Sep 12 '15  ip: 174.23.15.49

Name: Glenn Kassahn
Title: Drummer
Organization*: Metal Tears

* 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.

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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)
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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

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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 Scheckler 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;  

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

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\(^{35}\) 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{51} http://www.afilias.info/about-us

\textsuperscript{52} https://gldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?r:ae=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,

wu

Signature: 4kipre@gmail.com, Sep 8 ’15   ip: 50.181.9.58

Name: whu

Title: Artist

Organization*: ki-pre

* 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.\(^7\)

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\(^1\) [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://gtdcomment.icann.org/applicationcomment/viewcomments](https://gtdcomment.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.\(^11\)

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\(^8\) [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...
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

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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 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

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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?t:ac=1392, 18a and 20c
33 http://music.us/events
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

\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 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]

Name: daniel couper
Title: singer-songwriter
Organization*: daniel couper

* 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.\(^7\)

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\(^1\) [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

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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 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}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 \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\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{26} https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf\textsuperscript{27} https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf\textsuperscript{28} https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf\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/memo
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.

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\(^{32}\) [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.\(^{35}\) 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

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\(^{35}\) 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, 20a](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.\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{http://music.us/expert/letters} 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{CPE Guidelines, Pg.22, and CPE Panel Process Document, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf, Pg.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\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, 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 \footnote{http://www.isni.org/} and \footnote{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\(^\text{48}\) 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.

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\(^\text{48}\) 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,

Richard Karlsson

Signature: ricmail@hotmail.com, Sep 15 '15  ip: 178.78.241.198

Name: Richard Karlsson

Title: Artist

Organization*: Slack Orange

* 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.\(^7\)

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\(^{1}\) [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.

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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

\[\text{http://music.us/board}\]

\[\text{http://www.ismn-international.org/whatis.html}\]

\[\text{http://isrc.ifpi.org}, \text{https://www.usisrc.org/about/index.html}\]

\[\text{http://www.iswc.org/en/faq.html}\]

\[\text{http://www.isni.org/}\]

\[\text{https://newgtlds.icann.org/en/applicants/cpe}\]


\[\text{http://www.iso.org/iso/catalogue_detail?csnumber=23401}\]


\[\text{http://www.isni.org/}\]

\[\text{http://www.iso.org/iso/catalogue_detail?csnumber=44292}\]
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 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/memo
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.

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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.

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\(^{33}\) [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.\(^\text{41}\) 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 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: westontobias@gmail.com  Sep 14 '15  ip: 66.188.244.52

Name: Weston Tobias

Title: Musician

Organization*: Weston Tobias

* 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


\(^4\) [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.

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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

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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 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

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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.\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://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\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: Amanda Rushton
Name: Amanda Rushton
Title: Creator/Connector/Performer
Organization*: Mandy Rushton

* 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.

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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
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 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

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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\(^{48}\) 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?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: Rey Holliday

Name: Rey Holliday
Title: Producer
Organization*: SWGP

* 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

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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.

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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

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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 2008.20

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 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. 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

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?tae=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 (\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=ae=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,

CJ Borden
songwriter
Mesa Sand Music

Signature: cj@cjborden.com, Sep 18 '15  ip: 68.104.7.109

Name: CJ Borden
Title: songwriter
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 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.\(^7\)

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\(^{1}\) [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.

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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

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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 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 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/mcмо
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.


\(^{33}\) [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
41 http://music.us/expert/letters
44 Nielsen / Harris Poll, Quick Query Q3505, http://music.us/nielsen-harris-poll.pdf 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\(^48\) 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.

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\(^{48}\) 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:ae=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,

Phillip Ayliffe

Signature: payliffe@austin.rr.com, Sep 18 '15

Name: Phillip Ayliffe

Title: President

Organization*: Songwriters Network

* 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.\(^7\)

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\(^1\) [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.\(^11\)

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\(^8\) [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.”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, ISRC, ISWC 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

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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 “公开ly 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{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\(^\text{, 18a and 20c}\)]
\(^{33}\) [http://music.us/events\(^\text{2}\)]
\(^{34}\) [http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392\(^\text{3}\)]
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
41 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/
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.

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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: robertgoldsmith@gmail.com, Sep 20 '15   ip: 24.9.28.81

Name: Robert Goldsmith

Title: Executive

Organization*: Singularity, 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 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.\(^7\)

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\(^1\) [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.\(^11\)

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\(^8\) [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

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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
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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{thebibliography}{9}
\bibitem{musicus} http://music.us/events
\bibitem{ifpi} 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{thebibliography}
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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,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
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 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.

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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?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: Hector Garcia
Name: Hector Garcia
Title: Owner
Organization*: HG Engineering

* 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.\(^7\)

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1. \(\text{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392}\), DotMusic Limited Application ID 1-1115-14110  
2. \(\text{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392}\)  
4. \(\text{http://music.us/expert/letters}\)  
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 \(\text{https://gtldcomment.icann.org/applicationcomment/viewcomments}\)). 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, \(\text{http://music.us/nielsen-harris-poll.pdf}\), 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 \(\text{http://newgtlds.icann.org/en/applicants/cpe/#invitations}\)), 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, \(\text{http://music.us/comparison}\)
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.

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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

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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 2008.20

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.

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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

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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](http://www.ifpi.org/about.php)
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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{26} \url{https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf}
\textsuperscript{27} \url{https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf}
\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} \url{https://www.reverbnation.com}
\textsuperscript{31} \url{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.

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\(^32\) [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
\(^{43}\) 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
\(^{46}\) 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 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: Scott Ozga

Name: Scott Ozga

Title: Mr.

Organization*: OZGA

* 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://gtdcomment.icann.org/applicationcomment/viewcomments](https://gtdcomment.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.

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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

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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 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; \(^{32}\)

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.

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\(^{33}\) [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

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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


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

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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.

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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]

Signature: jlovell101@gmail.com, Sep 30 '15 ip: 24.241.130.247

Name: Jacob Andrew Lovell

Title: Mr.

Organization*: World Records®

* 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.\(^7\)

\(^1\)\url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392}, DotMusic Limited Application ID 1-1115-14110
\(^2\)\url{https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392}
\(^4\)\url{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 \url{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, \url{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 \url{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, \url{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

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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 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 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.

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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

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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
\textsuperscript{46} Fielding Period: August 7-11, 2015, Pg. 1,2,3
\textsuperscript{47} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{44} 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:ae=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,

Baxter

Signature: admin@baxter.com, Sep 30 '15  ip: 66.87.135.205

Name: Baxter

Title: Performing Artist

Organization*: Baxter Entertainment Productions, 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 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.\(^7\)

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\(^1\) [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.\(^11\)

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\(^8\) [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-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

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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 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, 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

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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://gtdresult.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 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 [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.

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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,

Jeff Wisnom

Signature: wiannom@yahoo.com, Oct 3 '15

Name: Jeff Wisnom

Title: Indie musician

Organization*: Just-jeff

* 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


\(^4\) [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.

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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

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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

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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

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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

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\(^{35}\) 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

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\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\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 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?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,

Mikey Cunningham

Signature: mikey@mikeycunningham.com, Oct 5 '15  ip: 76.127.60.244

Name: Mikey Cunningham
Title: Head Nomad
Organization*: Nomad Vibe

* 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/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

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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 ISMN (International Standard Music Number) 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 ISNI (International Standard Name Identifier) 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 Scheckler 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 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

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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/memo
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 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?t: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\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:ae=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: Joshua Hunt
Title: Musician
Organization*: Cav’lier of Hunted Down 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.\(^7\)

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\(^1\) [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.

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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

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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
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.\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}https://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\textsuperscript{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\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. 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

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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://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. 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\(^{48}\) 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://gldresult.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: anciens@gmail.com, Oct 5 '15

Name: Omar Boothman
Title: Business Owner
Organization*: Akashik Records, 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.\(^7\)

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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 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.

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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

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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 Scheckler 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{footnotes}
\item[20] http://music.us/events
\item[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{footnotes}
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

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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.

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\(^{32}\) [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?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.\(^{35}\) 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
\(^{43}\)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 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 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:ae=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,

MHM

Signature: michaelmaidwell@yahoo.com, Oct 7 ’15   ip: 94.209.47.152

Name: Michael Maidwell

Title: manager

Organization*: Orange Grove

* 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.\(^7\)

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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
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.”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

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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{thebibliography}{9}
\bibitem{20} http://music.us/events
\bibitem{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{thebibliography}
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:ae=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

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\(^ {35}\) 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

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?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,

Signature: Rinat

Name: Rinat

Title: Link to social - "http://vk.com/idmania"

Organization*: Publick "MANIA" - "http://vk.com/mania__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.\(^7\)

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\(^1\) [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://newgtdls.icann.org/en/applicants/cpe#invitations](http://newgtdls.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/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

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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 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/whatish.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
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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{thebibliography}{99}
\bibitem{20} \url{http://music.us/events}
\bibitem{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}
\bibitem{23} \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\bibitem{24} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}
\end{thebibliography}
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

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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.\(^{35}\) 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.\(^4\)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”\(^4\)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;\(^4\)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\(^4\)4) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”\(^4\)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”\(^4\)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;\(^4\)7

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

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\(^4\)2 http://music.us/expert/letters

\(^4\)3 http://music.us/expert/letters

\(^4\)4 http://www.wordreference.com/es/translation.asp?tranword=commonly%20known


\(^4\)6 Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^4\)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 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.

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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]

Signature:  bus64pt@outlook.com,  Oct 14 ‘15   ip: 99.153.246.125

Name:  Patrick Tyson

Title:  Artist

Organization*:  Tyson Jarrett

* 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, 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.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

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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
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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](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. 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

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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://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. 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://www.isni.org/iso/catalogue_detail?csnumber=44292
48 http://music.us/expert/letters
49 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 \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,

Tegan DeClark

Signature: tdeclark@gmail.com, Oct 15 '15    ip: 1.128.97.9

Name: Tegan DeClark

Title: NA

Organization*: NA

* If you are an artist/band enter your artist/band name
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

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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://newgtdls.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.

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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, 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” and 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

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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\(^{\text{th}}\), 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

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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/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;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://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 .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,

Signature: 

Name: V Bain
Title: CEO
Organization*: BASCA

* 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.

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.

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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

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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 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 Bengloфф 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.

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\(^{32}\) [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=1392,20a](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)


\(^{45}\) [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf)


\(^{47}\) [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{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

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

\textsuperscript{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,

Signature:  

Name: Denis Loiseau
Title: Songwriter
Organization*: Denis Loiseau

* 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.

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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.

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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

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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

\begin{footnotes}
\item[20] \url{http://music.us/events}
\item[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}
\item[23] \url{https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf}
\end{footnotes}
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

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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.

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\(^{32}\) 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

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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.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?c=ae=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:  bryanpar@gmail.com,  Oct 18 ‘15   ip: 181.174.106.240

Name:  Bryan

Title:  Bramusic

Organization*:  Bramusic

* 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.

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://newgtdlds.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.

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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-3k4nlku](http://branding.rightside.co/api/download/28qi-3k4nlku))
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

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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 Scheckler 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;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?ae=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\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

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

\textsuperscript{52} https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ae=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,

Melissa Axel

Signature: music@melissaaxel.com, Oct 20 '15   ip: 172.248.37.19

Name: Melissa Axel

Title: songwriter/recording artist

Organization*: Melissa Axel

* 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.

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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?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.\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 Scheckler 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{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\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 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.\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 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.

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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{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://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392, 20a
\textsuperscript{48} \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:ae=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,

Kofi C Osafo
Author and Owner
Edifying Songs Series

* 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. 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.

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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: \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, \url{https://newgtlds.icann.org/en/applicants/cpe})

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

\textsuperscript{14} \url{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 \url{http://www.ismn-international.org/whatis.html} and \url{http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?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 \url{http://isrc.ifpi.org}, \url{https://www.usisrc.org/about/index.html} and \url{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 \url{http://www.iswc.org/en/faq.html} and \url{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 \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}

\textsuperscript{19} \url{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

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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

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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://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}

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.  

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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:ae=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: Christopher Bigham
Title: Owner
Organization*: Bone Poets Orchestra

* 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.\(^7\)

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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.

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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

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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 \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.\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)

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

47 [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

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.

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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,

Brett Wm. Templeton

Signature:

Name: Brett Wm. Templeton

Title: Pianist

Organization*: Brett Wm. Templeton

* 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?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. 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.

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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)
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 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

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\(^{20}\) [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?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

\(^{38}\) 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
\(^{46}\) 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:ae=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,

Zheng Zhipeng

Signature:  zzpoik@gmail.com,  Oct 18 '15  ip: 118.107.143.74

Name:  Zheng Zhipeng

Title:  timecho

Organization*:  utc6

* 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, 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.

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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

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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 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/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;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

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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 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 .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: Travis Presley

Title: Guitarist

Organization*: Beauty Is Betrayal

* If you are an artist/band enter your artist/band name